

Introduced by Committee on Budget and Fiscal Review

January 10, 2011

~~An act relating to the Budget Act of 2011.~~ *An act to amend Sections 3101, 8557, 8567, 8585.2, 8600, 8624, 53114.1, 76104.7, and 77206 of, to add Section 8565.1 to, to repeal Sections 8576, 8577, 8578, 8579, and 8582 of, and to repeal and add Section 8575 of, the Government Code, to amend Section 36120 of the Health and Safety Code, to amend Sections 830.2, 830.5, 830.11, 999c, 1230, 1233, 1233.4, 1233.6, 5072, 6025, 6027, 6030, 6126, 6126.2, 6126.3, 6126.4, 6126.5, 6127.1, 6127.3, 6127.4, 6128, 6129, 6131, 6132, 13800, 13801, 13812, 13820, 13826.1, 13826.15, 13826.7, and 13901 of, to add Section 5023.7 to, to add and repeal Section 1233.61 of, to repeal Sections 6051, 6126.1, 13810, 13811, 13813, 13823, 13827, 13827.1, 13827.2, 13831, and 13832 of, and to repeal and add Section 6024 of, the Penal Code, to amend Sections 19204 and 19209 of, and to repeal and add Section 19210 of, the Public Contract Code, and to amend Sections 1766, 1766.01, and 14053.7 of the Welfare and Institutions Code, relating to public safety, and making an appropriation therefor, to take effect immediately, bill related to the budget.*

LEGISLATIVE COUNSEL'S DIGEST

SB 92, as amended, Committee on Budget and Fiscal Review. Budget Act of 2011.

(1) Existing law creates the California Emergency Council consisting of certain members and assigned certain powers and duties.

This bill would, effective January 1, 2012, eliminate the California Emergency Council and would empower the California Emergency

Management Agency to serve as the state disaster council for purposes of the California Disaster and Civil Defense Master Mutual Aid Agreement.

(2) Existing law creates the independent Office of the Inspector General and provides that it is not a subdivision of any other government entity. The Inspector General and certain other employees of the office are peace officers provided that the primary duty of these peace officers is conducting audits of investigatory practices and other audits, as well as conducting investigations, of the Department of Corrections and Rehabilitation, the Division of Juvenile Justice, and the Board of Parole Hearings.

This bill would remove the Inspector General and the other employees from peace officer status. The bill would authorize the Inspector General and certain other employees to exercise the powers of arrest and serving warrants, as provided.

Existing law requires the Inspector General to, among other things, review departmental policy and procedures, conduct audits of investigatory practices and other audits, be responsible for contemporaneous oversight of internal affairs investigations and the disciplinary process, and conduct investigations of the department, and audit each warden of an institution one year after his or her appointment and each correctional institution at least once every 4 years. Existing law establishes within the Office of the Inspector General a Bureau of Independent Review (BIR).

This bill would revise and recast the duties of the Inspector General to, among other things, remove the requirement that the Inspector General review departmental policy and procedures, conduct audits of investigatory practices and other audits, and conduct investigations of the department, and would instead provide that the Inspector General be responsible for contemporaneous oversight of internal affairs investigations and the disciplinary process of the department pursuant to provisions specifying the responsibilities of the Bureau of Independent Review. The bill would remove the requirement of the Inspector General to audit wardens. The bill would require the Inspector General to conduct an objective, clinically appropriate, and metric-oriented medical inspection program to periodically review delivery of medical care at each state prison.

Existing law makes it a misdemeanor for the Inspector General or any employee or former employee of the Inspector General to divulge or make known in any manner not expressly permitted by law to any

person not employed by the Inspector General any particulars of any record, document, or information the disclosure of which is restricted by law from release to the public. The prohibition also applies to, among others, any person or business entity that is contracting with or has contracted with the Inspector General and to the employees and former employees of that person or business entity.

This bill would add any person that has been furnished a draft copy of any report for comment or review to the persons to whom the prohibition applies. Because the bill would expand the scope of a crime, it would create a state-mandated local program.

(3) Existing law authorizes the Department of Corrections and Rehabilitation and the State Department of Health Care Services to develop a process to maximize federal financial participation for the provision of inpatient hospital services rendered to individuals who, but for their status as inmates, would otherwise be eligible for Medi-Cal or for the Coverage Expansion and Enrollment Demonstration Project, as provided.

This bill would limit the development of the process to maximize federal financial participation to acute inpatient hospital services for inmates, and would require the federal reimbursement for inmates enrolled in Medi-Cal to occur through the State Department of Health Care Services, who would reimburse the Department of Corrections and Rehabilitation, and the federal reimbursement for inmates not enrolled in Medi-Cal but who are eligible for a Low Income Health Program (LIHP) would occur through a county LIHP, as provided.

(4) Existing law creates the Corrections Standards Authority established within the Department of Corrections and Rehabilitation with the duty of studying the entire subject of crime. Existing law creates the California Council on Criminal Justice with certain powers and duties. Existing law creates the Office of Gang and Youth Violence Policy which is, among other things, responsible for identifying and evaluating state, local, and federal gang and youth violence suppression, intervention, and prevention programs and strategies, along with funding for those efforts.

This bill, commencing January 1, 2012, would eliminate the Corrections Standards Authority, and assign its former duties to the 17-member newly created Board of State and Community Corrections and assign additional duties, as provided. Commencing January 1, 2012, the bill would eliminate the California Council on Criminal Justice and assign its powers and duties to the Board of State and

Community Corrections, as provided. Commencing January 1, 2012, the bill would eliminate the Office of Gang and Youth Violence Policy.

(5) Existing law establishes the State Community Corrections Performance Incentives Fund in order to receive moneys budgeted for the purposes of providing probation revocations incentive payments and high performance grants to county probation departments, as provided.

This bill would provide that the State Community Corrections Performance Incentives Fund is established in the State Treasury, that the fund is continuously appropriated, thereby creating an appropriation, and that the moneys appropriated for the purposes of providing probation revocations incentive payments and high performance grants be transferred from the General Fund and administered as provided.

(6) Existing law, beginning in 2012, requires the Judicial Council to provide a report twice a year to the Joint Legislative Budget Committee that provides information related to procurement contracts for the judicial branch. Existing law requires that certain required audits include an audit and report by the State Auditor on his or her assessment of the implementation of certain contracting provisions by the judicial branch.

This bill would require that the report on procurements also be made to the State Auditor. The bill would require that, instead of the audit and report required above, commencing no earlier than July 1, 2011, and no later than December 15, 2012, the State Auditor establish a pilot program to audit 6 trial courts, and based on the results of the pilot program, on or before December 15, 2013, commence audits of the trial courts, as provided. The bill would also require that on or before December 15, 2013, and biennially thereafter, the State Auditor audit the Administrative Office of the Courts, the Habeas Corpus Resource Center, and the appellate courts, as provided.

(7) This bill would appropriate \$1,000 from the Trial Court Trust Fund to the judicial branch for court administration.

(8) The bill would also make conforming changes.

(9) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(10) *This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.*

~~This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2011.~~

Vote: majority. Appropriation: ~~no~~-yes. Fiscal committee: ~~no~~ yes. State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 SECTION 1. *Section 3101 of the Government Code is amended*
2 *to read:*

3 3101. For the purpose of this chapter the term “disaster service
4 worker” includes all public employees and all volunteers in any
5 disaster council or emergency organization accredited by the
6 California Emergency-Council Management Agency. The term
7 “public employees” includes all persons employed by the state or
8 any county, city, city and county, state agency or public district,
9 excluding aliens legally employed.

10 SEC. 2. *Section 8557 of the Government Code is amended to*
11 *read:*

12 ~~8557. (a) “Emergency Council” means the California~~
13 ~~Emergency Council.~~

14 ~~(b)~~

15 8557. (a) “State agency” means any department, division,
16 independent establishment, or agency of the executive branch of
17 the state government.

18 ~~(c)~~

19 (b) “Political subdivision” includes any city, city and county,
20 county, district, or other local governmental agency or public
21 agency authorized by law.

22 ~~(d)~~

23 (c) “Governing body” means the legislative body, trustees, or
24 directors of a political subdivision.

25 ~~(e)~~

26 (d) “Chief executive” means that individual authorized by law
27 to act for the governing body of a political subdivision.

28 ~~(f)~~

29 (e) “Disaster council” and “disaster service worker” have the
30 meaning prescribed in Chapter 1 (commencing with Section 3201)
31 of Part 1 of Division 4 of the Labor Code.

1 ~~(g)~~

2 (f) “Public facility” means any facility of the state or a political
3 subdivision, which facility is owned, operated, or maintained, or
4 any combination thereof, through moneys derived by taxation or
5 assessment.

6 ~~(h)~~

7 (g) “Sudden and severe energy shortage” means a rapid,
8 unforeseen shortage of energy, resulting from, but not limited to,
9 events such as an embargo, sabotage, or natural disasters, and
10 which has statewide, regional, or local impact.

11 SEC. 3. Section 8565.1 is added to the Government Code, to
12 read:

13 8565.1. Nothing in this chapter shall operate to prevent the
14 Governor from establishing a committee or board composed of
15 heads of state agencies, should the Governor deem it necessary
16 to aid him or her in obtaining information or advice, assisting in
17 developing or carrying out plans, or otherwise acting in
18 accomplishment of the purposes of this chapter.

19 SEC. 4. Section 8567 of the Government Code is amended to
20 read:

21 8567. (a) The Governor may make, amend, and rescind orders
22 and regulations necessary to carry out the provisions of this chapter.
23 The orders and regulations shall have the force and effect of law.
24 Due consideration shall be given to the plans of the federal
25 government in preparing the orders and regulations. The Governor
26 shall cause widespread publicity and notice to be given to all such
27 orders and regulations, or amendments or rescissions thereof.

28 (b) Orders and regulations, or amendments or rescissions thereof,
29 issued during a state of war emergency or state of emergency shall
30 be in writing and shall take effect immediately upon their issuance.
31 Whenever the state of war emergency or state of emergency has
32 been terminated, the orders and regulations shall be of no further
33 force or effect.

34 (c) All orders and regulations relating to the use of funds
35 pursuant to Article 16 (commencing with Section 8645) shall be
36 prepared in advance of any commitment or expenditure of the
37 funds. Other orders and regulations needed to carry out the
38 provisions of this chapter shall, whenever practicable, be prepared
39 in advance of a state of war emergency or state of emergency.

1 (d) All orders and regulations made in advance of a state of war
2 emergency or state of emergency shall be in writing, shall be
3 exempt from Chapter 3.5 (commencing with Section 11340) of
4 Part 1 of Division 3 of Title 2, ~~but shall be subject to the approval~~
5 ~~of the Emergency Council~~. As soon thereafter as possible they
6 shall be filed in the office of the Secretary of State and with the
7 county clerk of each county.

8 *SEC. 5. Section 8575 of the Government Code is repealed.*

9 ~~8575. (a) There is hereby created a California Emergency~~
10 ~~Council, to consist of all of the following members:~~

11 ~~(1) The Governor, or an alternate appointed by him or her.~~

12 ~~(2) The Lieutenant Governor, or an alternate appointed by him~~
13 ~~or her.~~

14 ~~(3) The Attorney General, or an alternate appointed by him or~~
15 ~~her.~~

16 ~~(4) One representative of the city governments of the state and~~
17 ~~one representative of the county governments of the state, to be~~
18 ~~appointed by the Governor and to serve at his or her pleasure,~~
19 ~~except that these members shall be from different counties.~~

20 ~~(5) One representative of the American National Red Cross, to~~
21 ~~be appointed by the Governor.~~

22 ~~(6) One representative of the city or county fire services of the~~
23 ~~state and one representative of the city or county law enforcement~~
24 ~~services of the state, to be appointed by the Governor and to serve~~
25 ~~at his or her pleasure, except that these members shall be from~~
26 ~~different counties.~~

27 ~~(7) One representative of a local public health agency, to be~~
28 ~~appointed by the Governor and to serve at his or her pleasure.~~

29 ~~(b) The President pro Tempore of the Senate and the Speaker~~
30 ~~of the Assembly shall meet with and participate in the work of the~~
31 ~~Emergency Council to the same extent as members of the council~~
32 ~~appointed by the Governor, except when that participation is~~
33 ~~constitutionally incompatible with their respective positions as~~
34 ~~Members of the Legislature.~~

35 ~~(c) If the President pro Tempore of the Senate does not desire~~
36 ~~to serve on the Emergency Council, the Senate Rules Committee~~
37 ~~may appoint a Member of the Senate to serve in his or her stead.~~
38 ~~If the Speaker of the Assembly does not desire to serve on the~~
39 ~~Emergency Council, he or she may appoint a Member of the~~
40 ~~Assembly to serve in his or her stead.~~

1 *SEC. 6. Section 8575 is added to the Government Code, to*
2 *read:*

3 8575. *For the purposes of the California Disaster and Civil*
4 *Defense Master Mutual Aid Agreement, the California Emergency*
5 *Management Agency will serve as the State Disaster Council.*

6 *SEC. 7. Section 8576 of the Government Code is repealed.*

7 8576. ~~(a) The Governor shall be ex officio Chairperson of the~~
8 ~~Emergency Council.~~

9 ~~(b) The California Emergency Management Agency shall~~
10 ~~provide staff support to the Emergency Council as necessary.~~

11 *SEC. 8. Section 8577 of the Government Code is repealed.*

12 8577. ~~Neither the members of the Emergency Council nor the~~
13 ~~Members of the Legislature shall receive compensation for their~~
14 ~~services under this chapter, but they shall be reimbursed for their~~
15 ~~actual and necessary expenses incurred in connection with their~~
16 ~~duties hereunder.~~

17 *SEC. 9. Section 8578 of the Government Code is repealed.*

18 8578. ~~The Emergency Council shall meet upon call of the~~
19 ~~Governor, not less frequently than annually. Except during a state~~
20 ~~of war emergency or a state of emergency, notice of such meeting~~
21 ~~shall be given to each member not less than 15 days prior to the~~
22 ~~day selected by the Governor for the meeting of the Emergency~~
23 ~~Council.~~

24 *SEC. 10. Section 8579 of the Government Code is repealed.*

25 8579. ~~(a) It shall be the duty of the Emergency Council, and~~
26 ~~it is hereby empowered, to act as an advisory body to the Governor~~
27 ~~in times of emergency and with reference thereto in order to~~
28 ~~minimize the effects of those occurrences by recommending~~
29 ~~ameliorative action.~~

30 ~~(b) The powers and duties of the Emergency Council shall~~
31 ~~include all of the following:~~

32 ~~(1) To consider, recommend, and approve orders and regulations~~
33 ~~that are within the province of the Governor to promulgate.~~

34 ~~(2) To consider and recommend to the Governor for approval~~
35 ~~the boundaries of any mutual aid regions of the state as may be~~
36 ~~designated.~~

37 ~~(3) To recommend to the Governor the assignment of any~~
38 ~~responsibility, service, or activity relative to emergencies or~~
39 ~~emergency planning to a state agency having duties related to that~~
40 ~~responsibility, service, or activity.~~

1 ~~(4) To consider and recommend the creation by the Governor~~
2 ~~of advisory committees in order to make civilian participation and~~
3 ~~cooperation in emergency planning and activities available to the~~
4 ~~state.~~

5 ~~(5) To consider and recommend the expenditures of moneys~~
6 ~~appropriated for any of the objectives or purposes of this chapter.~~

7 ~~(6) To consider and recommend to the Governor for approval~~
8 ~~a State Emergency Plan built around mutual aid and the integration~~
9 ~~into that plan of the several state agencies whose resources are~~
10 ~~necessary in coping with emergencies.~~

11 ~~(7) To encourage the development and maintenance of~~
12 ~~emergency plans based on mutual aid, whereunder political~~
13 ~~subdivisions may most effectively protect life and property and~~
14 ~~mitigate other effects of emergencies.~~

15 ~~(8) To evaluate and report to the Governor on state~~
16 ~~communications systems with particular regard to their adequacy~~
17 ~~in case of emergency.~~

18 ~~(9) To encourage the individual and integrated emergency~~
19 ~~preparedness efforts of communities, businesses, and schools.~~

20 ~~(c) (1) The Emergency Council shall, at a minimum, have the~~
21 ~~following two standing advisory committees, with members~~
22 ~~selected by the Governor:~~

23 ~~(A) An advisory committee composed of representatives of~~
24 ~~volunteer organizations that aid or prepare their communities for~~
25 ~~potential disasters.~~

26 ~~(B) An advisory committee composed of the business leaders~~
27 ~~representing businesses in the state that will work in partnership~~
28 ~~with government to prepare businesses and communities for~~
29 ~~potential disasters.~~

30 ~~(2) The duties of the advisory committees shall include, but not~~
31 ~~be limited to, all of the following:~~

32 ~~(A) Developing and promoting statewide initiatives and~~
33 ~~programs to better prepare communities, businesses, and schools~~
34 ~~to survive disasters.~~

35 ~~(B) Advising the Emergency Council on how public, private,~~
36 ~~and nonprofit entities can provide resources, assets, personnel,~~
37 ~~volunteers, and any other relevant services to fully integrate the~~
38 ~~private sector into the state's emergency preparedness, mitigation,~~
39 ~~response, and recovery plans.~~

1 ~~(C) Advising the Emergency Council on appropriate agreements~~
2 ~~to provide for quick access to emergency supplies and services in~~
3 ~~order to minimize the need to stockpile those supplies.~~

4 ~~(3) The members of the advisory committees shall receive no~~
5 ~~compensation for their service.~~

6 ~~(d) When the Emergency Council is not meeting, the California~~
7 ~~Emergency Management Agency shall provide notice to the~~
8 ~~members of the council of any state of emergency proclaimed by~~
9 ~~the Governor pursuant to Section 8558, as soon as practical after~~
10 ~~the issuance of the proclamation. The notification shall include~~
11 ~~the status of emergency activities.~~

12 ~~SEC. 11. Section 8582 of the Government Code is repealed.~~

13 ~~8582. Nothing herein shall operate to prevent the Governor~~
14 ~~from establishing a committee or board composed of heads of state~~
15 ~~agencies, should he deem it necessary to aid him or the Emergency~~
16 ~~Council or both in obtaining information or advice, assisting in~~
17 ~~developing or carrying out plans, or otherwise acting in~~
18 ~~accomplishment of the purposes of this chapter.~~

19 ~~SEC. 12. Section 8585.2 of the Government Code is amended~~
20 ~~to read:~~

21 8585.2. (a) All employees serving in state civil service, other
22 than temporary employees, who are engaged in the performance
23 of functions transferred to the agency or engaged in the
24 administration of law, the administration of which is transferred
25 to the agency, are transferred to the agency. The status, positions,
26 and rights of those persons shall not be affected by their transfer
27 and shall continue to be retained by them pursuant to the State
28 Civil Service Act (Part 2 (commencing with Section 18500) of
29 Division 5), except as to positions the duties of which are vested
30 in a position exempt from civil service. The personnel records of
31 all transferred employees shall be transferred to the agency.

32 (b) The property of any agency or department related to
33 functions transferred to the California Emergency Management
34 Agency is transferred to the agency. If any doubt arises as to where
35 that property is transferred, the Department of General Services
36 shall determine where the property is transferred.

37 (c) All unexpended balances of appropriations and other funds
38 available for use in connection with any function or the
39 administration of any law transferred to the agency shall be
40 transferred to the agency for use for the purpose for which the

1 appropriation was originally made or the funds were originally
2 available. If there is any doubt as to where those balances and
3 funds are transferred, the Department of Finance shall determine
4 where the balances and funds are transferred.

5 ~~(d) Beginning July 1, 2011, and biennially thereafter, the~~
6 ~~California Emergency Management Agency shall submit a report~~
7 ~~to the Legislature as described in this subdivision. The California~~
8 ~~Emergency Management Agency may consult with other public~~
9 ~~safety agencies, including the California Emergency Council, in~~
10 ~~the development of this report. The report shall include information~~
11 ~~on all of the following:~~

12 ~~(1) Agency progress in all of its primary program areas.~~

13 ~~(2) Agency allocation of grants to local agencies and nonprofit~~
14 ~~organizations.~~

15 ~~(3) Any identified gaps in program progress or efficiency.~~

16 ~~(4) Agency strategy for program improvements, investments,~~
17 ~~and goals for the next two years.~~

18 *SEC. 13. Section 8600 of the Government Code is amended to*
19 *read:*

20 8600. The Governor with the advice of the ~~Emergency Council~~
21 *California Emergency Management Agency* is hereby authorized
22 and empowered to divide the state into mutual aid regions for the
23 more effective application, administration, and coordination of
24 mutual aid and other emergency-related activities.

25 *SEC. 14. Section 8624 of the Government Code is amended to*
26 *read:*

27 ~~8624. (a) Whenever it appears that a state of war emergency~~
28 ~~will continue for more than seven days, the Governor shall call a~~
29 ~~meeting of the Emergency Council not later than the seventh day.~~

30 ~~(b)~~

31 8624. All of the powers granted the Governor by this chapter
32 with respect to a state of war emergency shall terminate when:

33 ~~(1)~~

34 ~~(a)~~ The state of war emergency has been terminated by
35 proclamation of the Governor or by concurrent resolution of the
36 Legislature declaring it at an end; or

37 ~~(2) The Governor has failed to call a meeting of the Emergency~~
38 ~~Council within the period prescribed in subdivision (a) of this~~
39 ~~section; or~~

40 ~~(3)~~

1 (b) The Governor has not within 30 days after the beginning of
2 such state of war emergency issued a call for a special session of
3 the Legislature for the purpose of legislating on subjects relating
4 to such state of war emergency, except when the Legislature is
5 already convened with power to legislate on such subjects.

6 *SEC. 15. Section 53114.1 of the Government Code is amended*
7 *to read:*

8 53114.1. To accomplish the responsibilities specified in this
9 article, the division is directed to consult at regular intervals with
10 the State Fire Marshal, the State Department of Public Health, the
11 Office of Traffic Safety, the California Emergency Management
12 Agency, ~~the California Council on Criminal Justice~~, a local
13 representative from a city, a local representative from a county,
14 the public utilities in this state providing telephone service, the
15 Association of Public-Safety Communications Officials, the
16 Emergency Medical Services Authority, the Department of the
17 California Highway Patrol, and the Department of Forestry and
18 Fire Protection. These agencies shall provide all necessary
19 assistance and consultation to the division to enable it to perform
20 its duties specified in this article.

21 *SEC. 16. Section 76104.7 of the Government Code is amended*
22 *to read:*

23 76104.7. (a) Except as otherwise provided in this section, in
24 addition to the penalty levied pursuant to Section 76104.6, there
25 shall be levied an additional state-only penalty of three dollars (\$3)
26 for every ten dollars (\$10), or part of ten dollars (\$10), in each
27 county upon every fine, penalty, or forfeiture imposed and collected
28 by the courts for all criminal offenses, including all offenses
29 involving a violation of the Vehicle Code or any local ordinance
30 adopted pursuant to the Vehicle Code.

31 (b) This additional penalty shall be collected together with, and
32 in the same manner as, the amounts established by Section 1464
33 of the Penal Code. These moneys shall be taken from fines and
34 forfeitures deposited with the county treasurer prior to any division
35 pursuant to Section 1463 of the Penal Code. These funds shall be
36 deposited into the county treasury DNA Identification Fund. One
37 hundred percent of these funds, including any interest earned
38 thereon, shall be transferred to the state Controller at the same time
39 that moneys are transferred pursuant to paragraph (2) of subdivision
40 (b) of Section 76104.6, for deposit into the state's DNA

1 Identification Fund. These funds shall be used to fund the
2 operations of the Department of Justice forensic laboratories,
3 including the operation of the DNA Fingerprint, Unsolved Crime
4 and Innocence Protection Act, and to facilitate compliance with
5 the requirements of subdivision (e) of Section 299.5 of the Penal
6 Code.

7 (c) This additional penalty does not apply to the following:

8 (1) Any restitution fine.

9 (2) Any penalty authorized by Section 1464 of the Penal Code
10 or this chapter.

11 (3) Any parking offense subject to Article 3 (commencing with
12 Section 40200) of Chapter 1 of Division 17 of the Vehicle Code.

13 (4) The state surcharge authorized by Section 1465.7 of the
14 Penal Code.

15 (d) *The fees collected pursuant to this section shall not be*
16 *subject to subdivision (e) of Section 1203.1d of the Penal Code,*
17 *but shall be disbursed under paragraph (3) of subdivision (b) of*
18 *Section 1203.1d of the Penal Code.*

19 SEC. 17. *Section 77206 of the Government Code is amended*
20 *to read:*

21 77206. (a) Notwithstanding any other law, the Judicial Council
22 may regulate the budget and fiscal management of the trial courts.
23 The Judicial Council, in consultation with the Controller, shall
24 maintain appropriate regulations for recordkeeping and accounting
25 by the courts. The Judicial Council shall seek to ensure, by these
26 provisions, both of the following:

27 (1) That the fiscal affairs of the trial courts are managed
28 efficiently, effectively, and responsibly.

29 (2) That all moneys collected by the courts, including filing
30 fees, fines, forfeitures, and penalties, and all revenues and
31 expenditures relating to court operations are known.

32 The Judicial Council may delegate its authority under this
33 section, when appropriate, to the Administrative Director of the
34 Courts.

35 (b) Regulations, rules, and reporting requirements adopted
36 pursuant to this chapter shall be exempt from review and approval
37 or other processing by the Office of Administrative Law as
38 provided for in Chapter 3.5 (commencing with Section 11340) of
39 Part 1 of Division 3 of Title 2.

1 (c) The Controller, at the request of the Legislature, may perform
2 and publish financial and fiscal compliance audits of the reports
3 of court revenues and expenditures. The Controller shall report
4 the results of these audits to the Legislature and the Judicial
5 Council.

6 (d) The Judicial Council shall provide for the transmission of
7 summary information concerning court revenues and expenditures
8 to the Controller.

9 (e) The Judicial Council shall adopt rules to provide for
10 reasonable public access to budget allocation and expenditure
11 information at the state and local levels.

12 (f) The Judicial Council shall adopt rules ensuring that, upon
13 written request, the trial courts provide, in a timely manner,
14 information relating to the administration of the courts, including
15 financial information and other information that affects the wages,
16 hours, and working conditions of trial court employees.

17 (g) (1) The Judicial Council or its representatives may do any
18 of the following:

19 (A) Inspect, review, and perform comprehensive oversight and
20 analysis of court financial records wherever they may be located.

21 (B) Investigate allegations of financial impropriety or
22 mismanagement.

23 (2) The authority granted pursuant to this subdivision shall not
24 substitute for, or conflict with, the audits conducted pursuant to
25 subdivisions (h) and (i).

26 (h) (1) Commencing not earlier than July 1, 2011, and not later
27 than December 15, 2012, the entity contracted with pursuant to
28 subdivision (j) shall establish a pilot program to audit six trial
29 courts. That entity shall select the trial courts using the following
30 criteria:

31 (A) Two trial courts selected from counties with a population
32 of 200,000 or less.

33 (B) Two trial courts selected from counties with a population
34 greater than 200,000 and less than 750,000.

35 (C) Two trial courts selected from counties with a population
36 of 750,000 or greater.

37 The audits shall be performed in accordance with generally
38 accepted government auditing standards and shall determine the
39 trial court's compliance with governing statutes, rules, and
40 regulations relating to the revenues, expenditures, and fund

1 balances of all material and significant funds, including state
2 General Fund funds, funds generated from fees or fines, federal
3 funds, grants, and any other funds within the trial court's
4 administration or control. Pursuant to Section 19210 of the Public
5 Contract Code, the audit shall also determine compliance with Part
6 2.5 (commencing with Section 19201) of Division 2 of the Public
7 Contract Code. The audits required by this section shall be in
8 addition to any audit regularly conducted pursuant to any other
9 provision of law.

10 (2) Based on the results of the pilot program audits described
11 in paragraph (1), the entity contracted with pursuant to subdivision
12 (j) shall, on or before December 15, 2013, commence an audit of
13 the trial courts, provided that every trial court is audited in the
14 manner prescribed by this section at least once every four years.
15 The audits shall be performed in accordance with generally
16 accepted government auditing standards and shall determine the
17 trial court's compliance with governing statutes, rules, and
18 regulations relating to the revenues, expenditures, and fund
19 balances of all material and significant funds, including state
20 General Fund funds, funds generated from fees or fines, federal
21 funds, grants, or any other funds within the trial court's
22 administration or control. Pursuant to Section 19210 of the Public
23 Contract Code, the audit shall also determine compliance with Part
24 2.5 (commencing with Section 19201) of Division 2 of the Public
25 Contract Code. The audits required by this paragraph shall be in
26 addition to any audit regularly conducted pursuant to any other
27 provision of law.

28 (3) Notwithstanding Section 10231.5, the auditing entity shall
29 compile the trial court audit findings and report the results of these
30 audits to the Legislature, the Judicial Council, and the Department
31 of Finance no later than April 1 of each year. An audit report shall
32 not be considered final until the audited entity is provided a
33 reasonable opportunity to respond and the response is included
34 with, or incorporated into, the report.

35 (4) The reasonable and necessary contracted cost of the audit
36 conducted pursuant to this subdivision shall be paid from funds
37 of the local trial court being audited.

38 (i) (1) On or before December 15, 2013, and biennially
39 thereafter, the entity contracted with pursuant to subdivision (j)
40 shall perform an audit of the Administrative Office of the Courts

1 in accordance with generally accepted government auditing
2 standards and shall determine the Administrative Office of the
3 Court's compliance with governing statutes, rules, regulations,
4 and policies relating to the revenues, expenditures, and fund
5 balances of all material and significant funds under the
6 administration, jurisdiction, or control of the Administrative Office
7 of the Courts. ~~Pursuant to Section 19210 of the Public Contract~~
8 ~~Code, the audit shall also determine compliance of the~~
9 ~~Administrative Office of the Courts, the Habeas Corpus Resource~~
10 ~~Center, and the appellate courts with Part 2.5 (commencing with~~
11 ~~Section 19201) of Division 2 of the Public Contract Code.~~

12 (2) Notwithstanding Section 10231.5, the auditing entity shall
13 provide a copy of the final audit report of the Administrative Office
14 of the Courts to the Legislature, the Judicial Council, and the
15 Department of Finance upon issuance. An audit report shall not
16 be considered final until the audited entity is provided a reasonable
17 opportunity to respond and the response is included with, or
18 incorporated into, the report.

19 (3) Any reasonable and necessary contracted costs incurred by
20 the auditing entity pursuant to this subdivision shall be reimbursed
21 by the Administrative Office of the Courts.

22 (j) The Administrative Office of the Courts shall contract with
23 the Controller to perform the audits described in subdivisions (h)
24 and (i), unless either the Bureau of State Audits or the Department
25 of Finance demonstrates that it can perform the audits pursuant to
26 the same timeframes, scope, and methodology as the Controller
27 for a cost that is less than that proposed by the Controller. In that
28 case, the Administrative Office of the Courts may contract with
29 the state entity named in this subdivision that is most cost effective.
30 The Administrative Office of the Courts shall provide written
31 notification to the chairs of the Senate Committee on Budget and
32 Fiscal Review, the Assembly Committee on Budget, and the Senate
33 and Assembly Committees on Judiciary, if the Administrative
34 Office of the Courts contracts with an entity other than the
35 Controller. The contract period for any contract entered into
36 pursuant to this section shall not exceed four years from the date
37 of commencement.

38 (k) A report submitted pursuant to subdivision (h) or (i) shall
39 be submitted in compliance with Section 9795.

1 *SEC. 18. Section 36120 of the Health and Safety Code is*
2 *amended to read:*

3 36120. (a) The coordinator, in cooperation with the Secretary
4 of the Human Relations Agency, the Superintendent of Public
5 Instruction, ~~the Executive Officer of the California Council on~~
6 ~~Criminal Justice~~, the Director of the Office of Planning, and any
7 other executive officers the Governor may designate, shall develop
8 goals for state participation in the Model Cities program.

9 ~~In~~

10 (b) *In* order to take advantage of the opportunities for program
11 innovation offered by the Model Cities program, one set of the
12 goals for state participation shall be directed toward
13 interdisciplinary program development, such as programs for early
14 childhood development, community treatment as an alternative to
15 criminal incarceration, and community services.

16 *SEC. 19. Section 830.2 of the Penal Code is amended to read:*

17 830.2. The following persons are peace officers whose authority
18 extends to any place in the state:

19 (a) Any member of the Department of the California Highway
20 Patrol including those members designated under subdivision (a)
21 of Section 2250.1 of the Vehicle Code, provided that the primary
22 duty of the peace officer is the enforcement of any law relating to
23 the use or operation of vehicles upon the highways, or laws
24 pertaining to the provision of police services for the protection of
25 state officers, state properties, and the occupants of state properties,
26 or both, as set forth in the Vehicle Code and Government Code.

27 (b) A member of the University of California Police Department
28 appointed pursuant to Section 92600 of the Education Code,
29 provided that the primary duty of the peace officer shall be the
30 enforcement of the law within the area specified in Section 92600
31 of the Education Code.

32 (c) A member of the California State University Police
33 Departments appointed pursuant to Section 89560 of the Education
34 Code, provided that the primary duty of the peace officer shall be
35 the enforcement of the law within the area specified in Section
36 89560 of the Education Code.

37 (d) (1) Any member of the Office of Correctional Safety of the
38 Department of Corrections and Rehabilitation, provided that the
39 primary duties of the peace officer shall be the investigation or
40 apprehension of inmates, wards, parolees, parole violators, or

1 escapees from state institutions, the transportation of those persons,
2 the investigation of any violation of criminal law discovered while
3 performing the usual and authorized duties of employment, and
4 the coordination of those activities with other criminal justice
5 agencies.

6 (2) Any member of the Office of Internal Affairs of the
7 Department of Corrections and Rehabilitation, provided that the
8 primary duties shall be criminal investigations of Department of
9 Corrections and Rehabilitation personnel and the coordination of
10 those activities with other criminal justice agencies. For purposes
11 of this subdivision, the member of the Office of Internal Affairs
12 shall possess certification from the Commission on Peace Officer
13 Standards and Training for investigators, or have completed
14 training pursuant to Section 6126.1 of the Penal Code.

15 (e) Employees of the Department of Fish and Game designated
16 by the director, provided that the primary duty of those peace
17 officers shall be the enforcement of the law as set forth in Section
18 856 of the Fish and Game Code.

19 (f) Employees of the Department of Parks and Recreation
20 designated by the director pursuant to Section 5008 of the Public
21 Resources Code, provided that the primary duty of the peace officer
22 shall be the enforcement of the law as set forth in Section 5008 of
23 the Public Resources Code.

24 (g) The Director of Forestry and Fire Protection and employees
25 or classes of employees of the Department of Forestry and Fire
26 Protection designated by the director pursuant to Section 4156 of
27 the Public Resources Code, provided that the primary duty of the
28 peace officer shall be the enforcement of the law as that duty is
29 set forth in Section 4156 of the Public Resources Code.

30 (h) Persons employed by the Department of Alcoholic Beverage
31 Control for the enforcement of Division 9 (commencing with
32 Section 23000) of the Business and Professions Code and
33 designated by the Director of Alcoholic Beverage Control, provided
34 that the primary duty of any of these peace officers shall be the
35 enforcement of the laws relating to alcoholic beverages, as that
36 duty is set forth in Section 25755 of the Business and Professions
37 Code.

38 (i) Marshals and police appointed by the Board of Directors of
39 the California Exposition and State Fair pursuant to Section 3332
40 of the Food and Agricultural Code, provided that the primary duty

1 of the peace officers shall be the enforcement of the law as
2 prescribed in that section.

3 ~~(j) Employees of the Inspector General as designated by the~~
4 ~~Inspector General are peace officers, provided that the primary~~
5 ~~duty of these peace officers shall be conducting investigations of~~
6 ~~the Department of Corrections and Rehabilitation, Division of~~
7 ~~Juvenile Justice, and the Board of Parole Hearings.~~

8 *SEC. 20. Section 830.5 of the Penal Code, as amended by*
9 *Section 44 of Chapter 1124 of the Statutes of 2002, is amended to*
10 *read:*

11 830.5. The following persons are peace officers whose authority
12 extends to any place in the state while engaged in the performance
13 of the duties of their respective employment and for the purpose
14 of carrying out the primary function of their employment or as
15 required under Sections 8597, 8598, and 8617 of the Government
16 Code. Except as specified in this section, these peace officers may
17 carry firearms only if authorized and under those terms and
18 conditions specified by their employing agency:

19 (a) A parole officer of the Department of Corrections or the
20 Department of the Youth Authority, probation officer, deputy
21 probation officer, or a board coordinating parole agent employed
22 by the Youthful Offender Parole Board. Except as otherwise
23 provided in this subdivision, the authority of these parole or
24 probation officers shall extend only as follows:

25 (1) To conditions of parole or of probation by any person in this
26 state on parole or probation.

27 (2) To the escape of any inmate or ward from a state or local
28 institution.

29 (3) To the transportation of persons on parole or probation.

30 (4) To violations of any penal provisions of law which are
31 discovered while performing the usual or authorized duties of his
32 or her employment.

33 (5) To the rendering of mutual aid to any other law enforcement
34 agency.

35 For the purposes of this subdivision, “parole agent” shall have
36 the same meaning as parole officer of the Department of
37 Corrections or of the Department of the Youth Authority.

38 Any parole officer of the Department of Corrections, the
39 Department of the Youth Authority, or the Youthful Offender
40 Parole Board is authorized to carry firearms, but only as determined

1 by the director on a case-by-case or unit-by-unit basis and only
2 under those terms and conditions specified by the director or
3 chairperson. The Department of the Youth Authority shall develop
4 a policy for arming peace officers of the Department of the Youth
5 Authority who comprise “high-risk transportation details” or
6 “high-risk escape details” no later than June 30, 1995. This policy
7 shall be implemented no later than December 31, 1995.

8 The Department of the Youth Authority shall train and arm those
9 peace officers who comprise tactical teams at each facility for use
10 during “high-risk escape details.”

11 (b) A correctional officer employed by the Department of
12 Corrections or any employee of the Department of the Youth
13 Authority having custody of wards or ~~the Inspector General of the~~
14 ~~Youth and Adult Correctional Agency or any internal affairs~~
15 ~~investigator under the authority of the Inspector General or any~~
16 employee of the Department of Corrections designated by the
17 Director of Corrections or any correctional counselor series
18 employee of the Department of Corrections or any medical
19 technical assistant series employee designated by the Director of
20 Corrections or designated by the Director of Corrections and
21 employed by the State Department of Mental Health or employee
22 of the Board of Prison Terms designated by the Secretary of the
23 Youth and Adult Correctional Agency or employee of the
24 Department of the Youth Authority designated by the Director of
25 the Youth Authority or any superintendent, supervisor, or employee
26 having custodial responsibilities in an institution operated by a
27 probation department, or any transportation officer of a probation
28 department.

29 (c) The following persons may carry a firearm while not on
30 duty: a parole officer of the Department of Corrections or the
31 Department of the Youth Authority, a correctional officer or
32 correctional counselor employed by the Department of Corrections
33 or any employee of the Department of the Youth Authority having
34 custody of wards or any employee of the Department of Corrections
35 designated by the Director of Corrections. A parole officer of the
36 Youthful Offender Parole Board may carry a firearm while not on
37 duty only when so authorized by the chairperson of the board and
38 only under the terms and conditions specified by the chairperson.
39 Nothing in this section shall be interpreted to require licensure
40 pursuant to Section 12025. The director or chairperson may deny,

1 suspend, or revoke for good cause a person's right to carry a
2 firearm under this subdivision. That person shall, upon request,
3 receive a hearing, as provided for in the negotiated grievance
4 procedure between the exclusive employee representative and the
5 Department of Corrections, the Department of the Youth Authority,
6 or the Youthful Offender Parole Board, to review the director's or
7 the chairperson's decision.

8 (d) Persons permitted to carry firearms pursuant to this section,
9 either on or off duty, shall meet the training requirements of Section
10 832 and shall qualify with the firearm at least quarterly. It is the
11 responsibility of the individual officer or designee to maintain his
12 or her eligibility to carry concealable firearms off duty. Failure to
13 maintain quarterly qualifications by an officer or designee with
14 any concealable firearms carried off duty shall constitute good
15 cause to suspend or revoke that person's right to carry firearms
16 off duty.

17 (e) The Department of Corrections shall allow reasonable access
18 to its ranges for officers and designees of either department to
19 qualify to carry concealable firearms off duty. The time spent on
20 the range for purposes of meeting the qualification requirements
21 shall be the person's own time during the person's off-duty hours.

22 (f) The Director of Corrections shall promulgate regulations
23 consistent with this section.

24 (g) "High-risk transportation details" and "high-risk escape
25 details" as used in this section shall be determined by the Director
26 of the Youth Authority, or his or her designee. The director, or his
27 or her designee, shall consider at least the following in determining
28 "high-risk transportation details" and "high-risk escape details":
29 protection of the public, protection of officers, flight risk, and
30 violence potential of the wards.

31 (h) "Transportation detail" as used in this section shall include
32 transportation of wards outside the facility, including, but not
33 limited to, court appearances, medical trips, and interfacility
34 transfers.

35 (i) *This section shall remain in effect only until January 1, 2012,*
36 *and as of that date is repealed, unless a later enacted statute, that*
37 *is enacted before January 1, 2012, deletes or extends that date.*

38 SEC. 20.5. *Section 830.5 of the Penal Code, as amended by*
39 *Section 6 of Chapter 10 of the Statutes of 2011, is amended to*
40 *read:*

1 830.5. The following persons are peace officers whose authority
2 extends to any place in the state while engaged in the performance
3 of the duties of their respective employment and for the purpose
4 of carrying out the primary function of their employment or as
5 required under Sections 8597, 8598, and 8617 of the Government
6 Code. Except as specified in this section, these peace officers may
7 carry firearms only if authorized and under those terms and
8 conditions specified by their employing agency:

9 (a) A parole officer of the Department of Corrections and
10 Rehabilitation, or the Department of Corrections and
11 Rehabilitation, Division of Juvenile Parole Operations, probation
12 officer, deputy probation officer, or a board coordinating parole
13 agent employed by the Juvenile Parole Board. Except as otherwise
14 provided in this subdivision, the authority of these parole or
15 probation officers shall extend only as follows:

16 (1) To conditions of parole or of probation by any person in this
17 state on parole or probation.

18 (2) To the escape of any inmate or ward from a state or local
19 institution.

20 (3) To the transportation of persons on parole or probation.

21 (4) To violations of any penal provisions of law which are
22 discovered while performing the usual or authorized duties of his
23 or her employment.

24 (5) (A) To the rendering of mutual aid to any other law
25 enforcement agency.

26 (B) For the purposes of this subdivision, “parole agent” shall
27 have the same meaning as parole officer of the Department of
28 Corrections and Rehabilitation or of the Department of Corrections
29 and Rehabilitation, Division of Juvenile Justice.

30 (C) Any parole officer of the Department of Corrections and
31 Rehabilitation, or the Department of Corrections and
32 Rehabilitation, Division of Juvenile Parole Operations, is
33 authorized to carry firearms, but only as determined by the director
34 on a case-by-case or unit-by-unit basis and only under those terms
35 and conditions specified by the director or chairperson. The
36 Department of Corrections and Rehabilitation, Division of Juvenile
37 Justice, shall develop a policy for arming peace officers of the
38 Department of Corrections and Rehabilitation, Division of Juvenile
39 Justice, who comprise “high-risk transportation details” or

1 “high-risk escape details” no later than June 30, 1995. This policy
2 shall be implemented no later than December 31, 1995.

3 (D) The Department of Corrections and Rehabilitation, Division
4 of Juvenile Justice, shall train and arm those peace officers who
5 comprise tactical teams at each facility for use during “high-risk
6 escape details.”

7 (b) A correctional officer employed by the Department of
8 Corrections and Rehabilitation, or of the Department of Corrections
9 and Rehabilitation, Division of Juvenile Justice, having custody
10 of wards or any employee of the Department of Corrections and
11 Rehabilitation designated by the secretary or any correctional
12 counselor series employee of the Department of Corrections and
13 Rehabilitation or any medical technical assistant series employee
14 designated by the secretary or designated by the secretary and
15 employed by the State Department of Mental Health or any
16 employee of the Board of Parole Hearings designated by the
17 secretary or employee of the Department of Corrections and
18 Rehabilitation, Division of Juvenile Justice, designated by the
19 secretary or any superintendent, supervisor, or employee having
20 custodial responsibilities in an institution operated by a probation
21 department, or any transportation officer of a probation department.

22 (c) The following persons may carry a firearm while not on
23 duty: a parole officer of the Department of Corrections and
24 Rehabilitation, or the Department of Corrections and
25 Rehabilitation, Division of Juvenile Justice, a correctional officer
26 or correctional counselor employed by the Department of
27 Corrections and Rehabilitation, or an employee of the Department
28 of Corrections and Rehabilitation, Division of Juvenile Justice,
29 having custody of wards or any employee of the Department of
30 Corrections and Rehabilitation designated by the secretary. A
31 parole officer of the Juvenile Parole Board may carry a firearm
32 while not on duty only when so authorized by the chairperson of
33 the board and only under the terms and conditions specified by
34 the chairperson. Nothing in this section shall be interpreted to
35 require licensure pursuant to Section 25400. The director or
36 chairperson may deny, suspend, or revoke for good cause a
37 person’s right to carry a firearm under this subdivision. That person
38 shall, upon request, receive a hearing, as provided for in the
39 negotiated grievance procedure between the exclusive employee
40 representative and the Department of Corrections and

1 Rehabilitation, Division of Juvenile Justice, or the Juvenile Parole
2 Board, to review the director's or the chairperson's decision.

3 (d) Persons permitted to carry firearms pursuant to this section,
4 either on or off duty, shall meet the training requirements of Section
5 832 and shall qualify with the firearm at least quarterly. It is the
6 responsibility of the individual officer or designee to maintain his
7 or her eligibility to carry concealable firearms off duty. Failure to
8 maintain quarterly qualifications by an officer or designee with
9 any concealable firearms carried off duty shall constitute good
10 cause to suspend or revoke that person's right to carry firearms
11 off duty.

12 (e) The Department of Corrections and Rehabilitation shall
13 allow reasonable access to its ranges for officers and designees of
14 either department to qualify to carry concealable firearms off duty.
15 The time spent on the range for purposes of meeting the
16 qualification requirements shall be the person's own time during
17 the person's off-duty hours.

18 (f) The secretary shall promulgate regulations consistent with
19 this section.

20 (g) "High-risk transportation details" and "high-risk escape
21 details" as used in this section shall be determined by the secretary,
22 or his or her designee. The secretary, or his or her designee, shall
23 consider at least the following in determining "high-risk
24 transportation details" and "high-risk escape details": protection
25 of the public, protection of officers, flight risk, and violence
26 potential of the wards.

27 (h) "Transportation detail" as used in this section shall include
28 transportation of wards outside the facility, including, but not
29 limited to, court appearances, medical trips, and interfacility
30 transfers.

31 (i) *This section is operative January 1, 2012.*

32 *SEC. 21. Section 830.11 of the Penal Code is amended to read:*

33 830.11. (a) The following persons are not peace officers but
34 may exercise the powers of arrest of a peace officer as specified
35 in Section 836 and the power to serve warrants as specified in
36 Sections 1523 and 1530 during the course and within the scope of
37 their employment, if they receive a course in the exercise of those
38 powers pursuant to Section 832. The authority and powers of the
39 persons designated under this section shall extend to any place in
40 the state:

1 (1) Persons employed by the Department of Financial
2 Institutions designated by the Commissioner of Financial
3 Institutions, provided that the primary duty of these persons shall
4 be the enforcement of, and investigations relating to, the provisions
5 of law administered by the Commissioner of Financial Institutions.

6 (2) Persons employed by the Department of Real Estate
7 designated by the Real Estate Commissioner, provided that the
8 primary duty of these persons shall be the enforcement of the laws
9 set forth in Part 1 (commencing with Section 10000) and Part 2
10 (commencing with Section 11000) of Division 4 of the Business
11 and Professions Code. The Real Estate Commissioner may
12 designate persons under this section, who at the time of their
13 designation, are assigned to the Special Investigations Unit,
14 internally known as the Crisis Response Team.

15 (3) Persons employed by the State Lands Commission
16 designated by the executive officer, provided that the primary duty
17 of these persons shall be the enforcement of the law relating to the
18 duties of the State Lands Commission.

19 (4) Persons employed as investigators of the Investigations
20 Bureau of the Department of Insurance, who are designated by the
21 Chief of the Investigations Bureau, provided that the primary duty
22 of these persons shall be the enforcement of the Insurance Code
23 and other laws relating to persons and businesses, licensed and
24 unlicensed by the Department of Insurance, who are engaged in
25 the business of insurance.

26 (5) Persons employed as investigators and investigator
27 supervisors of the Consumer Services Division or the Rail Safety
28 and Carrier Division of the Public Utilities Commission who are
29 designated by the commission's executive director and approved
30 by the commission, provided that the primary duty of these persons
31 shall be the enforcement of the law as that duty is set forth in
32 Section 308.5 of the Public Utilities Code.

33 (6) (A) Persons employed by the State Board of Equalization,
34 Investigations Division, who are designated by the board's
35 executive director, provided that the primary duty of these persons
36 shall be the enforcement of laws administered by the State Board
37 of Equalization.

38 (B) Persons designated pursuant to this paragraph are not entitled
39 to peace officer retirement benefits.

(7) Persons employed by the Department of Food and Agriculture and designated by the Secretary of Food and Agriculture as investigators, investigator supervisors, and investigator managers, provided that the primary duty of these persons shall be enforcement of, and investigations relating to, the Food and Agricultural Code or Division 5 (commencing with Section 12001) of the Business and Professions Code.

(8) *The Inspector General and those employees of the Office of the Inspector General as designated by the Inspector General, provided that the primary duty of those persons shall be the enforcement of the law relating to the duties of the Office of the Inspector General.*

(b) Notwithstanding any other provision of law, persons designated pursuant to this section may not carry firearms.

(c) Persons designated pursuant to this section shall be included as “peace officers of the state” under paragraph (2) of subdivision (c) of Section 11105 for the purpose of receiving state summary criminal history information and shall be furnished that information on the same basis as peace officers of the state designated in paragraph (2) of subdivision (c) of Section 11105.

SEC. 22. Section 999c of the Penal Code is amended to read:

999c. (a) There is hereby established in the California Emergency Management Agency a program of financial and technical assistance for district attorneys’ offices, designated the California Career Criminal Prosecution Program. All funds appropriated to the agency for the purposes of this chapter shall be administered and disbursed by the ~~executive director~~ *secretary* of that agency ~~in consultation with the California Council on Criminal Justice~~, and shall to the greatest extent feasible be coordinated or consolidated with federal funds that may be made available for these purposes.

(b) The Secretary of Emergency Management is authorized to allocate and award funds to counties in which career criminal prosecution units are established in substantial compliance with the policies and criteria set forth below in Sections 999d, 999e, 999f, and 999g.

(c) The allocation and award of funds shall be made upon application executed by the county’s district attorney and approved by its board of supervisors. Funds disbursed under this chapter shall not supplant local funds that would, in the absence of the

1 California Career Criminal Prosecution Program, be made available
2 to support the prosecution of felony cases. Funds available under
3 this program shall not be subject to review as specified in Section
4 14780 of the Government Code.

5 *SEC. 23. Section 1230 of the Penal Code is amended to read:*

6 1230. (a) Each county is hereby authorized to establish in each
7 county treasury a Community Corrections Performance Incentives
8 Fund (CCPIF), to receive all amounts allocated to that county for
9 purposes of implementing this chapter.

10 (b) In any fiscal year for which a county receives moneys to be
11 expended for the implementation of this chapter, the moneys,
12 including any interest, shall be made available to the CPO of that
13 county, within 30 days of the deposit of those moneys into the
14 fund, for the implementation of the community corrections program
15 authorized by this chapter.

16 (1) The community corrections program shall be developed and
17 implemented by probation and advised by a local Community
18 Corrections Partnership.

19 (2) The local Community Corrections Partnership shall be
20 chaired by the CPO and comprised of the following membership:

21 (A) The presiding judge of the superior court, or his or her
22 designee.

23 (B) A county supervisor or the chief administrative officer for
24 the county.

25 (C) The district attorney.

26 (D) The public defender.

27 (E) The sheriff.

28 (F) A chief of police.

29 (G) The head of the county department of social services.

30 (H) The head of the county department of mental health.

31 (I) The head of the county department of employment.

32 (J) The head of the county alcohol and substance abuse
33 programs.

34 (K) The head of the county office of education.

35 (L) A representative from a community-based organization with
36 experience in successfully providing rehabilitative services to
37 persons who have been convicted of a criminal offense.

38 (M) An individual who represents the interests of victims.

39 (3) Funds allocated to probation pursuant to this act shall be
40 used to provide supervision and rehabilitative services for adult

1 felony offenders subject to probation, and shall be spent on
2 evidence-based community corrections practices and programs,
3 as defined in subdivision ~~(e)~~ (d) of Section 1229, which may
4 include, but are not limited to, the following:

5 (A) Implementing and expanding evidence-based risk and needs
6 assessments.

7 (B) Implementing and expanding intermediate sanctions that
8 include, but are not limited to, electronic monitoring, mandatory
9 community service, home detention, day reporting, restorative
10 justice programs, work furlough programs, and incarceration in
11 county jail for up to 90 days.

12 (C) Providing more intensive probation supervision.

13 (D) Expanding the availability of evidence-based rehabilitation
14 programs including, but not limited to, drug and alcohol treatment,
15 mental health treatment, anger management, cognitive behavior
16 programs, and job training and employment services.

17 (E) Evaluating the effectiveness of rehabilitation and supervision
18 programs and ensuring program fidelity.

19 (4) The CPO shall have discretion to spend funds on any of the
20 above practices and programs consistent with this act but, at a
21 minimum, shall devote at least 5 percent of all funding received
22 to evaluate the effectiveness of those programs and practices
23 implemented with the funds provided pursuant to this chapter. A
24 CPO may petition the Administrative Office of the Courts to have
25 this restriction waived, and the Administrative Office of the Courts
26 shall have the authority to grant such a petition, if the CPO can
27 demonstrate that the department is already devoting sufficient
28 funds to the evaluation of these programs and practices.

29 (5) Each probation department receiving funds under this chapter
30 shall maintain a complete and accurate accounting of all funds
31 received pursuant to this chapter.

32 *SEC. 24. Section 1233 of the Penal Code is amended to read:*

33 1233. (a) The Director of Finance, in consultation with the
34 Department of Corrections and Rehabilitation, the Joint Legislative
35 Budget Committee, the Chief Probation Officers of California,
36 and the Administrative Office of the Courts, shall calculate for
37 each county a baseline probation failure rate that equals the
38 *weighted* average number of adult felony probationers sent to state
39 prison during calendar years 2006 to 2008, inclusive, as a

1 percentage of the *weighted* average adult felony probation
2 population during the same period.

3 (b) For purposes of calculating the baseline probation failure
4 rate, the number of adult felony probationers sent to prison shall
5 include those adult felony probationers sent to state prison for a
6 revocation of probation, as well as adult felony probationers sent
7 to state prison for a conviction of a new felony offense. The
8 calculation shall also include adult felony probationers sent to
9 prison for conviction of a new crime who simultaneously have
10 their probation term terminated.

11 *SEC. 25. Section 1233.4 of the Penal Code is amended to read:*

12 1233.4. (a) It is the intent of the Legislature for counties
13 demonstrating high success rates with adult felony probationers
14 to have access to performance-based funding as provided for in
15 this section.

16 (b) On an annual basis, the Department of Finance, in
17 consultation with the Department of Corrections and Rehabilitation,
18 the Joint Legislative Budget Committee, the Chief Probation
19 Officers of California, and the Administrative Office of the Courts,
20 shall calculate 5 percent of the savings to the state attributed to
21 those counties that successfully reduce the number of adult felony
22 probationers sent to state prison.

23 (c) The savings estimated pursuant to subdivision (b) shall be
24 used to provide high performance grants to county probation
25 departments for the purpose of bolstering evidence-based probation
26 practices designed to reduce recidivism among adult felony
27 probationers.

28 (d) County probation departments eligible for these high
29 performance grants shall be those with adult probation failure rates
30 more than 50 percent below the statewide average in the most
31 recently completed calendar year.

32 (e) A county probation department ~~may receive a high~~
33 ~~performance grant under this section in a year in which it does not~~
34 ~~also receive a probation failure reduction incentive payment as~~
35 ~~provided for in Section 1233.3 that qualifies for a probation failure~~
36 ~~reduction incentive payment and a high performance grant payment~~
37 ~~as provided for in Section 1233.3 in the same year shall choose~~
38 ~~to receive either the probation failure incentive payment or the~~
39 ~~high performance grant payment.~~ The CPO of a county that
40 qualifies for both a high performance grant and a probation failure

1 reduction incentive payment shall indicate to the Administrative
2 Office of the Courts, by a date designated by the Administrative
3 Office of the Courts, whether the CPO chooses to receive the high
4 performance grant or probation failure reduction payment.

5 (f) The grants provided for in this section shall be administered
6 by the Administrative Office of the Courts. The Administrative
7 Office of the Courts shall seek to ensure that all qualifying
8 probation departments that submit qualifying applications receive
9 a proportionate share of the grant funding available based on the
10 population of adults ages 18 to 25, inclusive, in each of the counties
11 ~~receiving~~ *qualifying for* the grants.

12 *SEC. 26. Section 1233.6 of the Penal Code is amended to read:*

13 1233.6. (a) Probation failure reduction incentive payments
14 and high performance grants calculated for any calendar year shall
15 be provided to counties in the following fiscal year. The total
16 annual payment to each county shall be divided into four equal
17 quarterly payments.

18 (b) The Department of Finance shall include an estimate of the
19 total probation failure reduction incentive payments and high
20 performance grants to be provided to counties in the coming fiscal
21 year as part of the Governor's proposed budget released no later
22 than January 10 of each year. This estimate shall be adjusted by
23 the Department of Finance, as necessary, to reflect the actual
24 calculations of probation revocation incentive payments and high
25 performance grants completed by the Director of Finance, in
26 consultation with the Department of Corrections and Rehabilitation,
27 the Joint Legislative Budget Committee, the Chief Probation
28 Officers of California, and the Administrative Office of the Courts.
29 This adjustment shall occur as part of standard budget revision
30 processes completed by the Department of Finance in April and
31 May of each year.

32 (c) There is hereby established ~~a~~, *in the State Treasury, the State*
33 *Community Corrections Performance Incentives Fund, which is*
34 *continuously appropriated. Moneys* ~~budgeted~~ *appropriated* for
35 purposes of providing probation revocation incentive payments
36 and high performance grants authorized in Sections 1230 to 1233.6,
37 inclusive, shall be ~~deposited~~ *transferred* into this fund ~~from the~~
38 *General Fund*. Any moneys ~~deposited~~ *transferred* into this fund
39 *from the General Fund* shall be administered by the Administrative
40 Office of the Courts and the share calculated for each county

1 probation department shall be transferred to its Community
2 Corrections Performance Incentives Fund authorized in Section
3 1230. ~~The Legislature may allocate up to 3~~ *No more than 1 percent*
4 ~~of the funds annually deposited into the State Community~~
5 ~~Corrections Performance Incentives Fund~~ *estimated savings to the*
6 *state resulting from the population of felony probationers*
7 *successfully prevented from being sent to state prison, as calculated*
8 *by the Department of Finance, shall be appropriated for use by*
9 *the Administrative Office of the Courts for the costs of*
10 *implementing and administering this program.*

11 *(d) For each fiscal year, the Director of Finance shall determine*
12 *the total amount of the State Community Corrections Performance*
13 *Incentives Fund and the amount to be allocated to each county,*
14 *pursuant to this section and Sections 1230 to 1233.5, inclusive,*
15 *and shall report those amounts to the Controller. The Controller*
16 *shall make an allocation from the State Community Corrections*
17 *Performance Incentives Fund authorized in subdivision (c) to each*
18 *county in accordance with the amounts provided.*

19 SEC. 27. Section 1233.61 is added to the Penal Code, to read:
20 1233.61. *Notwithstanding any other provision of law, any*
21 *moneys remaining in the State Community Corrections*
22 *Performance Incentives Fund, after the calculation and award*
23 *determination of each county's tier payments or high performance*
24 *grant payments pursuant to Sections 1233.3 and 1233.4, shall be*
25 *distributed to county probation departments as follows:*

26 *(a) The Department of Finance shall increase the award amount*
27 *for any county whose tier payment or high performance grant*
28 *payment, as calculated pursuant to Sections 1233.3 and 1233.4,*
29 *totals less than one hundred thousand dollars (\$100,000) to no*
30 *more than one hundred thousand dollars (\$100,000).*

31 *(b) The Department of Finance shall evenly distribute any*
32 *remaining funds to those counties that did not receive a tier*
33 *payment or a high performance grant payment, as calculated*
34 *pursuant to Sections 1233.3 and 1233.4.*

35 *(c) At no time shall an award provided to a county through*
36 *subdivision (b) exceed the amount of a grant award provided to*
37 *counties that are eligible to receive increased award amounts*
38 *pursuant to subdivision (a).*

39 *(d) Any county receiving funding through subdivision (b) shall*
40 *submit a report to the Administrative Office of the Courts and the*

1 *Chief Probation Officers of California describing how they plan*
2 *on using the funds to enhance their ability to be successful under*
3 *this act.*

4 *(e) This section shall remain in effect only until June 30, 2013,*
5 *and as of that date is repealed, unless a later enacted statute, that*
6 *is enacted before June 30, 2013, deletes or extends that date.*

7 SEC. 28. *Section 5023.7 is added to the Penal Code, to read:*

8 *5023.7. (a) Notwithstanding any other provision of law, money*
9 *recovered prior to July 1, 2011, from an overpayment of a medical*
10 *contract expenditure, under the authority of the federal health care*
11 *receiver, shall be credited to the fiscal year in which the*
12 *expenditure was drawn. An amount not to exceed the total amount*
13 *of the funds recovered shall be augmented to the appropriation to*
14 *the department for the 2010–11 fiscal year, upon approval of the*
15 *Department of Finance.*

16 *(b) Money recovered on or after July 1, 2011, from an*
17 *overpayment of a medical contract expenditure, under the authority*
18 *of the federal health care receiver, shall be credited to the fiscal*
19 *year in which the expenditure was drawn. An amount not to exceed*
20 *the amount of the overpayment shall be augmented to the*
21 *appropriation to the department for the fiscal year in which the*
22 *recovered funds are received, upon approval of the Department*
23 *of Finance.*

24 *(c) Any money recovered and any adjustments to appropriations*
25 *made pursuant to subdivisions (a) and (b) shall be reported to the*
26 *Joint Legislative Budget Committee within 30 days.*

27 *(d) The requirement for submitting a report imposed under*
28 *subdivision (c) is inoperative on January 1, 2016, pursuant to*
29 *Section 10231.5 of the Government Code.*

30 SEC. 29. *Section 5072 of the Penal Code is amended to read:*

31 *5072. (a) Notwithstanding any other provision of law, the*
32 *State Department of Corrections and Rehabilitation and the State*
33 *Department of Health Care Services may develop a process to*
34 *maximize federal financial participation for the provision of acute*
35 *inpatient hospital services rendered to individuals who, but for*
36 *their institutional status as inmates, are otherwise eligible for*
37 *Medi-Cal pursuant to Chapter 7 (commencing with Section 14000)*
38 *of Part 3 of Division 9 of the Welfare and Institutions Code or for*
39 *the Coverage Expansion and Enrollment Demonstration (CEED)*
40 *Project Low Income Health Program (LIHP) pursuant to Part 3.6*

(commencing with Section 15909) of Division 9 of the Welfare and Institutions Code.

~~(b) (1) A CEED project shall reimburse a provider for the delivery of inpatient hospital services pursuant to this section rendered to an inmate whose county of last legal residence participates in the CEED project.~~

~~(2) The State Department of Health Care Services may at its discretion require a CEED Project, as a condition of participation as a CEED project, to enroll an eligible inmate whose county of last legal residence participates in that CEED project.~~

(b) Federal reimbursement for acute inpatient hospital services for inmates enrolled in Medi-Cal shall occur through the State Department of Health Care Services and federal reimbursement for acute inpatient hospital services for inmates not enrolled in Medi-Cal but who are eligible for a LIHP shall occur through a county LIHP.

(c) (1) The Secretary of the Department of Corrections and Rehabilitation, in conjunction with the State Department of Health Care Services, shall develop a process to ~~compensate CEED projects for the nonfederal share of the payment they expend for both the claim federal financial participation and to reimburse the Department of Corrections and Rehabilitation for the federal share of the allowable Medicaid cost provision of acute inpatient hospital services rendered to inmates according to this section and for any administrative costs incurred in support of those services.~~

~~(2) Under the process described in paragraph (1), CEED projects shall be held harmless for any disallowance or deferral when federal action is taken due to the implementation of the state's policies, directions, or requirements for the provision of services under this section. Public or community hospitals shall invoice the Department of Corrections and Rehabilitation to obtain reimbursement for acute inpatient hospital services in accordance with contracted rates of reimbursement, or if no contract is in place, the rates pursuant to Section 5023.5. The Department of Corrections and Rehabilitation shall reimburse a public or community hospital for the delivery of acute inpatient hospital services rendered to an inmate pursuant to this section. For individuals eligible for Medi-Cal pursuant to this section, the Department of Corrections and Rehabilitation shall submit a monthly invoice to the State Department of Health Care Services~~

1 for claiming federal participation at the Medi-Cal rate for acute
2 inpatient hospital services. For enrollees in the LIHP, the
3 Department of Corrections and Rehabilitation shall submit a
4 monthly invoice to the county of last legal residence pursuant to
5 Section 14053.7 of the Welfare and Institutions Code. The county
6 shall submit the invoice to the State Department of Health Care
7 Services for claiming federal financial participation for acute
8 inpatient hospital services for individuals made eligible pursuant
9 to this section, pursuant to Section 14053.7 of the Welfare and
10 Institutions Code, and pursuant to the process developed in
11 subdivision (b). The State Department of Health Care Services
12 shall claim federal participation for eligible services for LIHP
13 enrolled inmates at the rate paid by the Department of Corrections
14 and Rehabilitation. The State Department of Health Care Services
15 and counties shall remit funds received for federal participation
16 to the Department of Corrections and Rehabilitation for allowable
17 costs incurred as a result of delivering acute inpatient hospital
18 services allowable under this section.

19 (3) ~~Under the process described in paragraph (1), CEED projects~~
20 ~~The county LIHPs shall not experience any additional net~~
21 ~~expenditures of county funds due to the provision of services under~~
22 ~~this section.~~

23 (4) ~~Under the process described in paragraph (1), payments~~
24 ~~made by CEED projects to providers for the delivery of hospital~~
25 ~~inpatient services under this section shall be based upon the rate~~
26 ~~of reimbursement that the department paid prior to the enactment~~
27 ~~of this section, as adjusted under state law or department contract.~~
28 ~~The Department of Corrections and Rehabilitation shall reimburse~~
29 ~~the State Department of Health Care Services and counties for~~
30 ~~administrative costs that are not reimbursed by the federal~~
31 ~~government.~~

32 (5) ~~As part of the process described in paragraph (1), the~~
33 ~~department shall compensate a CEED project, in the form of a~~
34 ~~direct grant, for uncompensated, allowable costs incurred as a~~
35 ~~result of delivering services under this section, including hospital~~
36 ~~inpatient services rendered to an inmate by an out-of-network~~
37 ~~provider. The Department of Corrections and Rehabilitation shall~~
38 ~~reimburse the State Department of Health Care Services for any~~
39 ~~disallowance that is required to be returned to the Centers for~~

1 *Medicare and Medicaid Services for any litigation costs incurred*
2 *due to the implementation of this section.*

3 ~~(6)~~

4 *(d) (1) The state shall indemnify and hold harmless participating*
5 *entities that operate ~~CEED projects~~ a LIHP, including all counties,*
6 *and all counties that operate in a consortium that participates as a*
7 *~~CEED project~~ LIHP, against any and all losses, including, but not*
8 *limited to, claims, demands, liabilities, court costs, judgments, or*
9 *obligations, due to the implementation of this section as directed*
10 *by the secretary and the State Department of Health Care Services.*

11 *(2) The State Department of Health Care Services may at its*
12 *discretion require a county, as a condition of participation as a*
13 *LIHP, to enroll an eligible inmate into its LIHP if the county is*
14 *the inmate's county of last legal residence.*

15 *(3) The county LIHPs shall be held harmless by the state for*
16 *any disallowance or deferral if federal action is taken due to the*
17 *implementation of this section in accord with the state's policies,*
18 *directions, and requirements.*

19 *(e) (1) The Department of Corrections and Rehabilitation, in*
20 *conjunction with the State Department of Health Care Services,*
21 *shall develop a process to facilitate eligibility determinations for*
22 *individuals who may be eligible for Medi-Cal or a LIHP pursuant*
23 *to this section and Section 14053.7 of the Welfare and Institutions*
24 *Code.*

25 *(2) The Department of Corrections and Rehabilitation shall*
26 *assist inmates in completing either the Medi-Cal or LIHP*
27 *application as appropriate and shall forward that application to*
28 *the State Department of Health Care Services for processing.*

29 *(3) Notwithstanding any other state law, and only to the extent*
30 *that federal law allows and federal financial participation is*
31 *available, for the limited purpose of implementing this section, the*
32 *department or its designee is authorized to act on behalf of an*
33 *inmate for purposes of applying for or determinations of Medi-Cal*
34 *or LIHP eligibility.*

35 ~~(d)~~

36 *(f) (1) Nothing in this section shall be interpreted to restrict or*
37 *limit the eligibility or alter county responsibility for payment of*
38 *any service delivered to a parolee who has been released from*
39 *detention or incarceration and now resides in a county that*
40 *participates in the ~~CEED project~~ LIHP. If otherwise eligible for*

1 the county's ~~CEED-project~~ *LIHP*, the ~~CEED-project~~ *LIHP* shall
2 enroll the parolee.

3 (2) Notwithstanding paragraph (1), at the option of the state,
4 for enrolled parolees who have been released from detention or
5 incarceration and now reside in a county that participates in a
6 ~~CEED-project~~ *LIHP*, the ~~CEED-project~~ *LIHP* shall reimburse
7 providers for the delivery of services which are otherwise the
8 responsibility of the state to provide. Payment for these medical
9 services, including both the state and federal shares of
10 reimbursement, shall be included as part of the reimbursement
11 process described in paragraph (1) of subdivision (c).

12 (3) Enrollment of individuals in a ~~CEED-project~~ *LIHP* under
13 this subdivision shall be subject to any enrollment limitations
14 described in subdivision (g) of Section 15910 of the Welfare and
15 Institutions Code.

16 ~~(e)~~

17 (g) The department shall be responsible to the ~~CEED-project~~
18 *LIHP* for the nonfederal share of any reimbursement made for the
19 provision of *acute* inpatient hospital services rendered to inmates
20 pursuant to this section who are eligible for and enrolled in that
21 ~~CEED-project~~ *LIHP*.

22 ~~(f)~~

23 (h) ~~Except as otherwise provided by paragraph (5) of subdivision~~
24 ~~(e), and notwithstanding any other provision of law, the inpatient~~
25 ~~hospital services eligible for reimbursement under Reimbursement~~
26 ~~pursuant to this section shall be limited to only those acute~~
27 ~~inpatient hospital services for which are subject to funding with~~
28 federal financial participation pursuant to Title XIX of the Social
29 Security Act *is allowed*.

30 ~~(g)~~

31 (i) This section shall have no force or effect if there is a final
32 judicial determination made by any state or federal court that is
33 not appealed, or by a court of appellate jurisdiction that is not
34 further appealed, in any action by any party, or a final
35 determination by the administrator of the federal Centers for
36 Medicare and Medicaid Services, that limits or affects the
37 department's authority to select the hospitals used to provide
38 inpatient hospital services to inmates.

39 ~~(h)~~

(j) It is the intent of the Legislature that the implementation of this section will result in state General Fund savings for the funding of *acute* inpatient hospital services ~~and provided to inmates along with any related administrative costs to the inmate population.~~

~~(i)~~

(k) Any agreements entered into ~~between the department and any CEED project~~ under this section for Medi-Cal or a LIHP to provide for reimbursement of *acute inpatient hospital* services and administrative expenditures as described in subdivision (c) shall not be subject to Part 2 (commencing with Section 10100) of Division 2 of the Public Contract Code.

~~(j)~~

(l) This section shall be implemented in a manner that is consistent with federal Medicaid law and regulations. The Director of the State Department of Health Care Services shall seek any federal approvals necessary for the implementation of this section. This section shall be implemented only ~~if~~ *when* and to the extent that any necessary federal approval is obtained, and only to the extent that existing levels of federal financial participation are not otherwise jeopardized.

~~(k)~~

(m) To the extent that the Director of the State Department of Health Care Services determines that existing levels of federal financial participation are jeopardized, this section shall no longer be implemented.

~~(j)~~

(n) Notwithstanding Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, the State Department of Health Care Services may, without taking any further regulatory action, implement this section by means of all-county letters, provider bulletins, facility letters, or similar instructions.

~~(m)~~

(o) For purposes of this section, the following terms have the following meanings:

(1) The term “county of last legal residence” means the county in which the inmate resided at the time of arrest that resulted in conviction and incarceration in a state prison facility.

1 (2) The term “inmate” means an adult who is involuntarily
2 residing in a state prison facility operated, administered, or
3 regulated, directly or indirectly, by the department.

4 (3) During the existence of the receivership established in United
5 States District Court for the Northern District of California, Case
6 No. CO1-1351 TEH, Plata v. Schwarzenegger, references in this
7 section to the “secretary” shall mean the receiver appointed in that
8 action, who shall implement portions of this section that would
9 otherwise be within the secretary’s responsibility.

10 *SEC. 30. Section 6024 of the Penal Code is repealed.*

11 ~~6024. Commencing July 1, 2005, there is hereby established~~
12 ~~within the Department of Corrections and Rehabilitation the~~
13 ~~Corrections Standards Authority. As of July 1, 2005, any reference~~
14 ~~to the Board of Corrections refers to the Corrections Standards~~
15 ~~Authority. As of that date, the Board of Corrections is abolished.~~

16 *SEC. 31. Section 6024 is added to the Penal Code, to read:*

17 *6024. (a) Commencing January 1, 2012, there is hereby*
18 *established the Board of State and Community Corrections. The*
19 *Board of State and Community Corrections shall be an entity*
20 *independent of the Department of Corrections and Rehabilitation.*
21 *As of January 1, 2012, any references to the Board of Corrections*
22 *or the Corrections Standards Authority shall refer to the Board*
23 *of State and Community Corrections. As of that date, the*
24 *Corrections Standards Authority is abolished.*

25 *(b) The mission of the board shall include providing statewide*
26 *leadership, coordination, and technical assistance for state and*
27 *local partnerships in California’s adult and juvenile criminal*
28 *justice system. This mission shall reflect the principal of aligning*
29 *fiscal policy and correctional practices to promote a justice*
30 *investment strategy that fits each county and is consistent with the*
31 *integrated statewide goal of improved public safety through*
32 *cost-effective, evidence-based strategies for managing criminal*
33 *justice populations.*

34 *(c) The board shall be advised by a permanent Commission on*
35 *Adult Corrections and a permanent Commission on Juvenile*
36 *Justice.*

37 *(d) The board shall act as the supervisory board of the state*
38 *planning agency pursuant to federal acts. It shall annually review*
39 *and approve, or review, revise, and approve, the comprehensive*
40 *state plan for the improvement of criminal justice and delinquency*

1 *prevention activities throughout the state, shall establish priorities*
2 *for the use of funds as are available pursuant to federal acts, and*
3 *shall approve the expenditure of all funds pursuant to such plans*
4 *or federal acts, provided that the approval of those expenditures*
5 *may be granted to single projects or to groups of projects.*

6 *(e) It is the intent of the Legislature that any statutory authority*
7 *conferred on the Corrections Standards Authority or the previously*
8 *abolished Board of Corrections shall apply to the Board of State*
9 *and Community Corrections on and after January 1, 2012, unless*
10 *expressly repealed by the act which added this section.*

11 *(f) For purposes of this chapter, "federal acts" means the*
12 *Federal Omnibus Crime Control and Safe Streets Act of 1968, the*
13 *Federal Juvenile Delinquency Prevention and Control Act of 1968,*
14 *and any act or acts amendatory or supplemental thereto.*

15 *SEC. 32. Section 6025 of the Penal Code is amended to read:*

16 *6025. (a) Commencing July 1, 2005, the Corrections Standards*
17 *Authority shall be composed of 19 members on January 1, 2012,*
18 *the Board of State and Community Corrections shall be composed*
19 *of 17 members, one of whom shall be the Secretary of the*
20 *Department of Corrections and Rehabilitation, or his or her*
21 *designee, who shall be designated as the chairperson, and four of*
22 *whom shall be subordinate officers of the secretary. At least one*
23 *subordinate officer shall be a manager or administrator of a state*
24 *correctional facility for adult offenders, and at least one subordinate*
25 *officer shall be a manager or administrator of a state correctional*
26 *facility for juvenile offenders. Two members, one public member*
27 *and one who shall be a community provider or advocate with*
28 *expertise in effective programs, policies, and treatment of at-risk*
29 *youth and juvenile offenders, shall be appointed by the Senate*
30 *Committee on Rules. Two members, one public member and one*
31 *who shall be a community provider of rehabilitative treatment or*
32 *services for adult offenders, shall be appointed by the Speaker of*
33 *the Assembly. The remaining 14 12 members shall be appointed*
34 *by the Governor after consultation with, and with the advice of,*
35 *the secretary, and with the advice and consent of the Senate. The*
36 *gubernatorial appointments shall include all of the following:*

37 *(1) A county sheriff in charge of a local detention facility which*
38 *has a ~~Corrections Standards Authority Board of State and~~*
39 *Community Corrections* rated capacity of 200 or less inmates.

1 (2) A county sheriff in charge of a local detention facility which
2 has a ~~Corrections Standards Authority Board of State and~~
3 ~~Community Corrections~~ rated capacity of over 200 inmates.

4 (3) A county supervisor or county administrative officer.

5 (4) A chief probation officer from a county with a population
6 over 200,000.

7 (5) A chief probation officer from a county with a population
8 under 200,000.

9 ~~(6) A manager or administrator of a county local detention~~
10 ~~facility.~~

11 ~~(7) An administrator of a local community-based correctional~~
12 ~~program.~~

13 ~~(8)~~

14 (6) Two public members, at least one of whom shall represent
15 the interests of crime victims.

16 ~~(9)~~

17 (7) Four rank and file representatives: one juvenile probation
18 officer who is a first-line supervisor or lower rank, with a minimum
19 of five years of experience as a juvenile probation officer; one
20 deputy sheriff who is a sergeant or lower rank, with a minimum
21 of five years of experience in an adult correctional facility; one
22 state parole officer or parole agent; and one person with a minimum
23 of five years experience working in a state adult correctional
24 facility.

25 ~~(10)~~

26 (8) A representative of a community-based youth service
27 organization.

28 (b) The terms of the members appointed by the Governor shall
29 expire as follows: ~~seven on July 1, 2007, and seven on July 1, 2008~~
30 ~~six on January 1, 2014, and six on July 1, 2015. The terms of the~~
31 ~~members appointed by the Senate Committee on Rules shall expire~~
32 ~~as follows: one on January 1, 2014, and one on July 1, 2015. The~~
33 ~~terms of the members appointed by the Speaker of the Assembly~~
34 ~~shall expire as follows: one on January 1, 2014, and one on July~~
35 ~~1, 2015. Successor members shall hold office for terms of three~~
36 ~~years, each term to commence on the expiration date of the~~
37 ~~predecessor. Any appointment to a vacancy that occurs for any~~
38 ~~reason other than expiration of the term shall be for the remainder~~
39 ~~of the unexpired term. Members are eligible for reappointment.~~

(c) The ~~authority~~ board shall select a vice chairperson from among its members. ~~Ten~~ Nine members of the board shall constitute a quorum.

(d) When the ~~authority~~ board is hearing charges against any member, the individual concerned shall not sit as a member of the board for the period of hearing of charges and the determination of recommendations to the Governor.

(e) If any appointed member is not in attendance for three consecutive meetings the authority may recommend to the Governor ~~appointing authority~~ that the member be removed ~~and the Governor~~. ~~The appointing authority~~ may make a new appointment, ~~with the advice and consent of the Senate, consistent with the requirements of this section,~~ for the remainder of the term.

SEC. 33. Section 6027 of the Penal Code is amended to read:

6027. (a) It shall be the duty of the Board of State and Community Corrections to make a study of the entire subject of crime, with particular reference to conditions in the State of California, including causes of crime, ~~possible methods of prevention of crime, methods of best practices in the field of crime prevention,~~ detection of crime and apprehension of criminals, methods of prosecution of persons accused of crime, and the entire subject of penology, including standards and training for correctional personnel, and to report its findings, ~~its~~ conclusions, and recommendations to the Governor and the Legislature at such times as they may require.

(b) In consultation with its permanent advisory commissions and other stakeholders, the board shall:

(1) Develop recommendations for the improvement of criminal justice and delinquency prevention activity throughout the state.

(2) Identify, promote, and provide technical assistance relating to evidence-based programs, practices, and innovative projects consistent with the mission of the board.

(3) Receive and disburse federal funds, and perform all necessary and appropriate services in the performance of its duties as established by federal acts.

(4) Develop comprehensive, unified, and orderly procedures to ensure that applications for grants are processed fairly, efficiently, and in a manner consistent with the mission of the board.

(5) Cooperate with and render technical assistance to the Legislature, state agencies, units of general local government,

1 combinations of those units, or other public or private agencies,
2 organizations, or institutions in matters relating to criminal justice
3 and delinquency prevention.

4 (6) Conduct evaluation studies of the programs and activities
5 assisted by the federal acts.

6 (7) Identify and evaluate state, local, and federal gang and
7 youth violence suppression, intervention, and prevention programs
8 and strategies, along with funding for those efforts. The board
9 shall assess and make recommendations for the coordination of
10 the state's programs, strategies, and funding that address gang
11 and youth violence in a manner that maximizes the effectiveness
12 and coordination of those programs, strategies, and resources.
13 The board shall communicate with local agencies and programs
14 in an effort to promote the best practices for addressing gang and
15 youth violence through suppression, intervention, and prevention.

16 (8) In collaboration with the stakeholders, promote the
17 following:

18 (A) The collection and analysis of data on gang membership
19 statewide and the effectiveness of various gang prevention efforts.

20 (B) The development of reliable and accurate sources of data
21 to measure the scale and characteristics of California's gang
22 problems.

23 (C) The development of a clearinghouse for research on gangs,
24 at-risk youth, and prevention and intervention programs in order
25 to identify best practices and evidence-based programming, as
26 well as unsuccessful practices, and in order to promote effective
27 strategies for reducing gang involvement and gang violence.

28 (D) Assisting state and local governmental and nongovernmental
29 entities in developing violence and gang prevention strategies,
30 including built-in evaluation components.

31 (E) The development of sustained coordination mechanisms
32 among state, local, and regional entities.

33 (F) The identification of available or needed federal, state,
34 regional, local, and private funding resources.

35 (G) Providing or otherwise promoting public education on
36 effective programs, models, and strategies for the control of
37 violence and serving as a clearinghouse for information on gang
38 violence prevention issues, programs, resources, and research.

39 (H) Providing or otherwise promoting training and technical
40 assistance to help build the capacity of organizations, communities,

1 *and local government to develop, implement, and evaluate gang*
2 *violence prevention programs.*

3 *(I) Providing information and guidance to state and local*
4 *governmental and nongovernmental entities on accessing state*
5 *and federal resources to prevent gang violence.*

6 *(J) Facilitating greater integration between existing entities*
7 *with respect to gang prevention efforts.*

8 *(c) The board may do either of the following:*

9 *(1) Collect, evaluate, publish, and disseminate statistics and*
10 *other information on the condition and progress of criminal justice*
11 *in the state.*

12 *(2) Perform other functions and duties as required by federal*
13 *acts, rules, regulations, or guidelines in acting as the*
14 *administrative office of the state planning agency for distribution*
15 *of federal grants.*

16 *SEC. 34. Section 6030 of the Penal Code is amended to read:*

17 *6030. (a) The ~~Corrections Standards Authority~~ Board of State*
18 *and Community Corrections shall establish minimum standards*
19 *for state and local correctional facilities. The standards for state*
20 *correctional facilities shall be established by January 1, 2007. The*
21 *authority board shall review those standards biennially and make*
22 *any appropriate revisions.*

23 *(b) The standards shall include, but not be limited to, the*
24 *following: health and sanitary conditions, fire and life safety,*
25 *security, rehabilitation programs, recreation, treatment of persons*
26 *confined in state and local correctional facilities, and personnel*
27 *training.*

28 *(c) The standards shall require that at least one person on duty*
29 *at the facility is knowledgeable in the area of fire and life safety*
30 *procedures.*

31 *(d) The standards shall also include requirements relating to the*
32 *acquisition, storage, labeling, packaging, and dispensing of drugs.*

33 *(e) The standards shall require that inmates who are received*
34 *by the facility while they are pregnant are provided all of the*
35 *following:*

36 *(1) A balanced, nutritious diet approved by a doctor.*

37 *(2) Prenatal and postpartum information and health care,*
38 *including, but not limited to, access to necessary vitamins as*
39 *recommended by a doctor.*

1 (3) Information pertaining to childbirth education and infant
2 care.

3 (4) A dental cleaning while in a state facility.

4 (f) The standards shall provide that at no time shall a woman
5 who is in labor be shackled by the wrists, ankles, or both including
6 during transport to a hospital, during delivery, and while in
7 recovery after giving birth, except as provided in Section 5007.7.

8 (g) In establishing minimum standards, the authority shall seek
9 the advice of the following:

10 (1) For health and sanitary conditions:

11 The State Department of Health Services, physicians,
12 psychiatrists, local public health officials, and other interested
13 persons.

14 (2) For fire and life safety:

15 The State Fire Marshal, local fire officials, and other interested
16 persons.

17 (3) For security, rehabilitation programs, recreation, and
18 treatment of persons confined in correctional facilities:

19 The Department of Corrections and Rehabilitation, state and
20 local juvenile justice commissions, state and local correctional
21 officials, experts in criminology and penology, and other interested
22 persons.

23 (4) For personnel training:

24 The Commission on Peace Officer Standards and Training,
25 psychiatrists, experts in criminology and penology, the Department
26 of Corrections and Rehabilitation, state and local correctional
27 officials, and other interested persons.

28 (5) For female inmates and pregnant inmates in local adult and
29 juvenile facilities:

30 The California State Sheriffs' Association and Chief Probation
31 Officers' Association of California, and other interested persons.

32 *SEC. 35. Section 6051 of the Penal Code is repealed.*

33 ~~6051. The Inspector General may conduct a management~~
34 ~~review audit of any warden in the Department of Corrections and~~
35 ~~Rehabilitation or superintendent in the Division of Juvenile Justice.~~
36 ~~The management review audit shall include, but not be limited to,~~
37 ~~issues relating to personnel, training, investigations, and financial~~
38 ~~matters. Each management review audit shall include an assessment~~
39 ~~of the maintenance of the facility managed by the warden or~~
40 ~~superintendent. The audit report shall be submitted to the secretary~~

1 of the department for evaluation and for any response deemed
2 necessary. Any Member of the Legislature or the public may
3 request and shall be provided with a copy of any audit by the
4 Inspector General, including a management review audit or a
5 special audit or review. A report that involves potential criminal
6 investigations or prosecution or security practices and procedures
7 shall be considered confidential, and its disclosure shall not be
8 required under this section.

9 *SEC. 36. Section 6126 of the Penal Code is amended to read:*

10 6126. (a) ~~(1) The Inspector General shall review departmental~~
11 ~~policy and procedures, conduct audits of investigatory practices~~
12 ~~and other audits, be responsible for contemporaneous oversight of~~
13 ~~internal affairs investigations and the disciplinary process, and~~
14 ~~conduct investigations process of the Department of Corrections~~
15 ~~and Rehabilitation, as requested by either the Secretary of the~~
16 ~~Department of Corrections and Rehabilitation or a Member of the~~
17 ~~Legislature, pursuant to the approval of the Inspector General~~
18 ~~Section 6133 under policies to be developed by the Inspector~~
19 ~~General. The Inspector General may, under policies developed by~~
20 ~~the Inspector General, initiate an investigation or an audit on his~~
21 ~~or her own accord.~~

22 ~~(2) The~~

23 *(b) When requested by the Governor, the Senate Committee on*
24 *Rules, or the Speaker of the Assembly, the Inspector General shall*
25 *audit each warden of an institution one year after his or her*
26 *appointment, review policies, practices, and shall audit each*
27 *correctional institution at least once every four years. Each audit*
28 *procedures of a warden shall include, but not be limited to, issues*
29 *relating to personnel, training, investigations, and financial matters.*
30 *Each four-year audit shall include an assessment of the maintenance*
31 *of the facility managed by the warden department. The audit report*
32 *shall include all significant findings of the Inspector General's*
33 *assessment of facility maintenance. These audit reports shall be*
34 *provided to the Legislature and shall be made public. The*
35 *requirements General, under policies developed by the Inspector*
36 *General, may recommend that the Governor, the Senate Committee*
37 *on Rules, or the Speaker of this paragraph shall be phased in by*
38 *the Inspector General so that they are fully met by July 1, 2009*
39 *the Assembly request a review of a specific departmental policy,*
40 *practice, or procedure which raises a significant correctional issue*

1 *relevant to the effectiveness of the department. When exigent*
2 *circumstances of unsafe or life threatening situations arise*
3 *involving inmates, wards, parolees, or staff, the Inspector General*
4 *may, by whatever means is most expeditious, notify the Governor,*
5 *Senate Committee on Rules, or the Speaker of the Assembly.*

6 ~~(b)~~

7 ~~(c)~~ Upon completion of ~~an investigation or audit~~, a review, the
8 Inspector General shall provide a response to the requester.

9 ~~(e)~~

10 ~~(d)~~ The Inspector General shall, during the course of ~~an~~
11 ~~investigatory audit~~, a review, identify areas of full and partial
12 compliance, or noncompliance, with departmental ~~investigatory~~
13 policies and procedures, specify deficiencies in the completion
14 and documentation of ~~investigatory~~ processes, and recommend
15 corrective actions, including, but not limited to, additional training
16 ~~with respect to investigative policies~~, additional policies, or changes
17 in policy, as well as any other findings or recommendations that
18 the Inspector General deems appropriate.

19 ~~(d)~~

20 ~~(e)~~ The Inspector General, pursuant to Section 6126.6, shall
21 review the Governor's candidates for appointment to serve as
22 warden for the state's adult correctional institutions and as
23 superintendents for the state's juvenile facilities.

24 ~~(f)~~ *The Inspector General shall conduct an objective, clinically*
25 *appropriate, and metric-oriented medical inspection program to*
26 *periodically review delivery of medical care at each state prison.*

27 ~~(e)~~

28 ~~(g)~~ The Inspector General shall, in consultation with the
29 Department of Finance, develop a methodology for producing a
30 workload budget to be used for annually adjusting the budget of
31 the Office of the Inspector General, beginning with the budget for
32 the 2005–06 fiscal year.

33 *SEC. 37. Section 6126.1 of the Penal Code is repealed.*

34 ~~6126.1. (a) The Inspector General shall establish a certification~~
35 ~~program for peace officers under the Inspector General's~~
36 ~~jurisdiction who are subject to Section 830.2. The peace officer~~
37 ~~training course shall be consistent with the standard courses utilized~~
38 ~~by the Commission on Peace Officer Standards and Training and~~
39 ~~other major investigative offices, such as county sheriff and city~~

1 police departments and the Department of the California Highway
2 Patrol.

3 ~~(b) Beginning January 1, 1999, peace officers under the~~
4 ~~Inspector General's jurisdiction conducting investigations for the~~
5 ~~Office of the Inspector General shall complete investigation~~
6 ~~training consistent with standard courses utilized by other major~~
7 ~~law enforcement investigative offices and be certified within six~~
8 ~~months of employment.~~

9 ~~(c) Beginning January 1, 1999, all peace officers under the~~
10 ~~Inspector General's jurisdiction shall successfully pass a~~
11 ~~psychological screening exam before becoming employed with~~
12 ~~the Office of the Inspector General.~~

13 *SEC. 38. Section 6126.2 of the Penal Code is amended to read:*

14 6126.2. The Inspector General shall not hire as a peace officer
15 any person known to be directly or indirectly involved in an open
16 internal affairs investigation being conducted by any federal, state,
17 or local law enforcement agency or the *Office of the* Inspector
18 General.

19 *SEC. 39. Section 6126.3 of the Penal Code is amended to read:*

20 6126.3. (a) The Inspector General shall not destroy any papers
21 or memoranda used to support a completed ~~audit~~ review within
22 three years after a report is released.

23 (b) Except as provided in subdivision (c), all books, papers,
24 records, and correspondence of the office pertaining to its work
25 are public records subject to Chapter 3.5 (commencing with Section
26 6250) of Division 7 of Title 1 of the Government Code and shall
27 be filed at any of the regularly maintained offices of the Inspector
28 General.

29 (c) The following books, papers, records, and correspondence
30 of the Office of the Inspector General pertaining to its work are
31 not public records subject to Chapter 3.5 (commencing with Section
32 6250) of Division 7 of Title 1 of the Government Code, nor shall
33 they be subject to discovery pursuant to any provision of Title 3
34 (commencing with Section 1985) of Part 4 of the Code of Civil
35 Procedure or Chapter 7 (commencing with Section 19570) of Part
36 2 of Division 5 of Title 2 of the Government Code in any manner:

37 (1) All reports, papers, correspondence, memoranda, electronic
38 communications, or other documents that are otherwise exempt
39 from disclosure pursuant to the provisions of subdivision (d) of
40 Section 6126.5, Section 6126.6, subdivision (c) of Section 6128,

1 subdivision (a) or (b) of Section 6131, or all other applicable laws
2 regarding confidentiality, including, but not limited to, the
3 California Public Records Act, the Public Safety Officers'
4 Procedural Bill of Rights, the Information Practices Act of 1977,
5 the Confidentiality of Medical Information Act of 1977, and the
6 provisions of Section 832.7, relating to the disposition notification
7 for complaints against peace officers.

8 (2) Any papers, correspondence, memoranda, electronic
9 communications, or other documents pertaining to any ~~audit or~~
10 ~~investigation~~ review that has not been completed.

11 (3) Any papers, correspondence, memoranda, electronic
12 communications, or other documents pertaining to internal
13 discussions between the Inspector General and his or her staff, or
14 between staff members of the Inspector General, or any personal
15 notes of the Inspector General or his or her staff.

16 (4) All identifying information, and any personal papers or
17 correspondence from any person requesting assistance from the
18 Inspector General, except in those cases where the Inspector
19 General determines that disclosure of the information is necessary
20 in the interests of justice.

21 (5) Any papers, correspondence, memoranda, electronic
22 communications, or other documents pertaining to
23 contemporaneous public oversight pursuant to Section 6133.

24 *SEC. 40. Section 6126.4 of the Penal Code is amended to read:*

25 6126.4. It is a misdemeanor for the Inspector General or any
26 employee or former employee of the Inspector General to divulge
27 or make known in any manner not expressly permitted by law to
28 any person not employed by the Inspector General any particulars
29 of any record, document, or information the disclosure of which
30 is restricted by law from release to the public. This prohibition is
31 also applicable to *any person who has been furnished a draft copy*
32 *of any report for comment or review* or any person or business
33 entity that is contracting with or has contracted with the Inspector
34 General and to the employees and former employees of that person
35 or business entity or the employees of any state agency or public
36 entity that has assisted the Inspector General ~~in the course of any~~
37 ~~audit or investigation or that has been furnished a draft copy of~~
38 ~~any report for comment or review~~ *connection with duties*
39 *authorized by this chapter.*

40 *SEC. 41. Section 6126.5 of the Penal Code is amended to read:*

1 6126.5. (a) Notwithstanding any other provision of law, the
2 Inspector General during regular business hours or at any other
3 time determined necessary by the Inspector General, shall have
4 access to and authority to examine and reproduce any and all books,
5 accounts, reports, vouchers, correspondence files, documents, and
6 other records, and to examine the bank accounts, money, or other
7 property of the Department of Corrections and Rehabilitation ~~for~~
8 ~~any audit, investigation, inspection, or contemporaneous oversight~~
9 *in connection with duties authorized by this chapter.* Any officer
10 or employee of any agency or entity having these records or
11 property in his or her possession or under his or her control shall
12 permit access to, and examination and reproduction thereof
13 consistent with the provisions of this section, upon the request of
14 the Inspector General or his or her authorized representative.

15 (b) ~~For the purpose of conducting any audit, investigation,~~
16 ~~inspection, or contemporaneous oversight,~~ *In connection with*
17 *duties authorized by this chapter,* the Inspector General or his or
18 her authorized representative shall have access to the records and
19 property of any public or private entity or person subject to review
20 or regulation by the public agency or public entity ~~being audited,~~
21 ~~investigated, or overseen~~ to the same extent that employees or
22 officers of that agency or public entity have access. No provision
23 of law or any memorandum of understanding or any other
24 agreement entered into between the employing entity and the
25 employee or the employee's representative providing for the
26 confidentiality or privilege of any records or property shall prevent
27 disclosure pursuant to subdivision (a). Access, examination, and
28 reproduction consistent with the provisions of this section shall
29 not result in the waiver of any confidentiality or privilege regarding
30 any records or property.

31 (c) Any officer or person who fails or refuses to permit access,
32 examination, or reproduction, as required by this section, is guilty
33 of a misdemeanor.

34 (d) The Inspector General may require any employee of the
35 Department of Corrections and Rehabilitation to be interviewed
36 on a confidential basis. Any employee requested to be interviewed
37 shall comply and shall have time afforded by the appointing
38 authority for the purpose of an interview with the Inspector General
39 or his or her designee. The Inspector General shall have the
40 discretion to redact the name or other identifying information of

1 any person interviewed from any public report issued by the
2 Inspector General, where required by law or where the failure to
3 redact the information may hinder prosecution or an action in a
4 criminal, civil, or administrative proceeding, or where the Inspector
5 General determines that disclosure of the information is not in the
6 interests of justice. It is not the purpose of these communications
7 to address disciplinary action or grievance procedures that may
8 routinely occur. If it appears that the facts of the case could lead
9 to punitive action, the Inspector General shall be subject to Sections
10 3303, 3307, 3307.5, 3308, 3309, and subdivisions (a) to (d),
11 inclusive, of Section 3309.5 of the Government Code as if the
12 Inspector General were the employer, except that the Inspector
13 General shall not be subject to the provisions of any memorandum
14 of understanding or other agreement entered into between the
15 employing entity and the employee or the employee's
16 representative that is in conflict with, or adds to the requirements
17 of, Sections 3303, 3307, 3307.5, 3308, 3309, and subdivisions (a)
18 to (d), inclusive, of Section 3309.5 of the Government Code.

19 *SEC. 42. Section 6127.1 of the Penal Code is amended to read:*

20 6127.1. The Inspector General shall be deemed to be a
21 department head for the purpose of Section 11189 of the
22 Government Code in connection with any ~~investigation or audit~~
23 ~~conducted pursuant to duties authorized by this chapter.~~ The
24 Inspector General shall have authority to hire or retain counsel to
25 provide confidential advice ~~during audits and investigations.~~ If the
26 Attorney General has a conflict of interest in representing the
27 Inspector General in any litigation, the Inspector General shall
28 have authority to hire or retain counsel to represent the Inspector
29 General.

30 *SEC. 43. Section 6127.3 of the Penal Code is amended to read:*

31 6127.3. (a) In connection with ~~an audit, investigation, or~~
32 ~~inspection~~ *duties authorized* pursuant to this chapter, the ~~Inspector~~
33 ~~General, or his or her designee,~~ *Office of the Inspector General*
34 may do any of the following:

- 35 (1) Administer oaths.
36 (2) Certify to all official acts.
37 (3) Issue subpoenas for the attendance of witnesses and the
38 production of papers, books, accounts, or documents in any
39 medium, or for the making of oral or written sworn statements, in

1 any ~~investigative~~ interview conducted ~~as part of an audit or~~
2 ~~investigation~~; *pursuant to duties authorized by this chapter.*

3 (b) Any subpoena issued under this chapter extends as process
4 to all parts of the state and may be served by any person authorized
5 to serve process of courts of record or by any person designated
6 for that purpose by the ~~Inspector General, or his or her designee,~~
7 *office*. The person serving this process may receive compensation
8 as is allowed by the ~~Inspector General, or his or her designee,~~
9 *office*, not to exceed the fees prescribed by law for similar service.

10 SEC. 44. *Section 6127.4 of the Penal Code is amended to read:*

11 6127.4. (a) The superior court in the county in which any
12 ~~investigative~~ interview is held under the direction of the Inspector
13 General, or his or her designee, *pursuant to duties authorized by*
14 *this chapter* has jurisdiction to compel the attendance of witnesses,
15 the making of oral or written sworn statements, and the production
16 of papers, books, accounts, and documents, as required by any
17 subpoena issued by the ~~Inspector General or his or her designee,~~
18 *office*.

19 (b) If any witness refuses to attend or testify or produce any
20 papers required by the subpoena, the Inspector General, or his or
21 her designee, may petition the superior court in the county in which
22 the hearing is pending for an order compelling the person to attend
23 and answer questions under penalty of perjury or produce the
24 papers required by the subpoena before the person named in the
25 subpoena. The petition shall set forth all of the following:

26 (1) That due notice of the time and place of attendance of the
27 person or the production of the papers has been given.

28 (2) That the person has been subpoenaed in the manner
29 prescribed in this chapter.

30 (3) That the person has failed and refused to attend or produce
31 the papers required by subpoena before the ~~Inspector General or~~
32 ~~his or her designee~~ *office* as named in the subpoena, or has refused
33 to answer questions propounded to him or her in the course of the
34 ~~investigative~~ interview under penalty of perjury.

35 (c) Upon the filing of the petition, the court shall enter an order
36 directing the person to appear before the court at a specified time
37 and place and then and there show cause why he or she has not
38 attended, answered questions under penalty of perjury, or produced
39 the papers as required. A copy of the order shall be served upon
40 him or her. If it appears to the court that the subpoena was regularly

1 issued by the Inspector General, or his or her designee, the court
2 shall enter an order that the person appear before the person named
3 in the subpoena at the time and place fixed in the order and answer
4 questions under penalty of perjury or produce the required papers.
5 Upon failure to obey the order, the person shall be dealt with as
6 for contempt of court.

7 *SEC. 45. Section 6128 of the Penal Code is amended to read:*

8 6128. (a) The Office of the Inspector General may receive
9 communications from any individual, including those employed
10 by any department, board, or authority who believes he or she may
11 have information that may describe an improper governmental
12 activity, as that term is defined in subdivision ~~(b)~~ (c) of Section
13 8547.2 of the Government Code. It is not the purpose of these
14 communications to redress any single disciplinary action or
15 grievance that may routinely occur.

16 (b) In order to properly respond to any allegation of improper
17 governmental activity, the Inspector General shall establish a
18 toll-free public telephone number for the purpose of identifying
19 any alleged wrongdoing by an employee of the Department of
20 Corrections and Rehabilitation. This telephone number shall be
21 posted by the department in clear view of all employees and the
22 public. ~~When appropriate requested pursuant to Section 6126, the~~
23 ~~Inspector General shall initiate an investigation or audit a review~~
24 ~~of any alleged improper governmental activity. However, any~~
25 ~~request to conduct an investigation shall be in writing.~~

26 (c) All identifying information, and any personal papers or
27 correspondence from any person who initiated the ~~investigation~~
28 ~~review~~ shall not be disclosed, except in those cases where the
29 Inspector General determines that disclosure of the information is
30 necessary in the interests of justice.

31 *SEC. 46. Section 6129 of the Penal Code is amended to read:*

32 6129. (a) (1) For purposes of this section, “employee” means
33 any person employed by the Department of Corrections and
34 Rehabilitation.

35 (2) For purposes of this section, “retaliation” means intentionally
36 engaging in acts of reprisal, retaliation, threats, coercion, or similar
37 acts against another employee who has done any of the following:

38 (A) Has disclosed or is disclosing to any employee at a
39 supervisory or managerial level, what the employee, in good faith,
40 believes to be improper governmental activities.

1 (B) Has cooperated or is cooperating with any investigation of
2 improper governmental activities.

3 (C) Has refused to obey an illegal order or directive.

4 (b) (1) Upon receiving a complaint of retaliation from an
5 employee against a member of management at the Department of
6 Corrections and Rehabilitation, the Inspector General shall
7 commence an inquiry into the complaint and conduct a formal
8 ~~investigation~~ *review* where a legally cognizable cause of action is
9 presented. All ~~investigations~~ *reviews* conducted pursuant to this
10 section shall be performed in accordance with Sections 6126.5 and
11 6127.3. The Inspector General may refer all other matters for
12 investigation by the appropriate employing entity, subject to
13 ~~investigative~~ oversight by the Inspector General. In a case in which
14 the employing entity declines to investigate the complaint, it shall,
15 within 30 days of receipt of the referral by the Inspector General,
16 notify the Inspector General of its decision. The Inspector General
17 shall thereafter, conduct his or her own inquiry into the complaint.
18 If, after reviewing the complaint, the Inspector General determines
19 that a legally cognizable cause of action has not been presented
20 by the complaint, the Inspector General shall thereafter notify the
21 complaining employee and the State Personnel Board that a formal
22 ~~investigation~~ *review* is not warranted.

23 (2) When ~~investigating~~ *reviewing* a complaint, in determining
24 whether retaliation has occurred, the Inspector General or the
25 employing entity shall consider, among other things, whether any
26 of the following either actually occurred or were threatened:

27 (A) Unwarranted or unjustified staff changes.

28 (B) Unwarranted or unjustified letters of reprimand or other
29 disciplinary actions, or unsatisfactory evaluations.

30 (C) Unwarranted or unjustified formal or informal investigations.

31 (D) Engaging in acts, or encouraging or permitting other
32 employees to engage in acts, that are unprofessional, or foster a
33 hostile work environment.

34 (E) Engaging in acts, or encouraging or permitting other
35 employees to engage in acts, that are contrary to the rules,
36 regulations, or policies of the workplace.

37 (3) In a case in which the complaining employee has also filed
38 a retaliation complaint with the State Personnel Board pursuant to
39 Sections 8547.8 and 19683 of the Government Code, the State
40 Personnel Board shall have the discretion to toll any investigation,

1 hearing, or other proceeding that would otherwise be conducted
2 by the State Personnel Board in response to that complaint, pending
3 either the completion of the Inspector General's *review* or the
4 employing entity's investigation, or until the complaint is rejected
5 or otherwise dismissed by the Inspector General or the employing
6 entity. An employee, however, may not be required to first file a
7 retaliation complaint with the Inspector General prior to filing a
8 complaint with the State Personnel Board.

9 (A) In a case in which the complaining employee has filed a
10 retaliation complaint with the Inspector General but not with the
11 State Personnel Board, the limitation period for filing a retaliation
12 complaint with the State Personnel Board shall be tolled until the
13 time the Inspector General or the employing entity either issues
14 its ~~investigative~~ report to the State Personnel Board, or until the
15 complaint is rejected or otherwise dismissed by the Inspector
16 General or the employing entity.

17 (B) In order to facilitate coordination of efforts between the
18 Inspector General and the State Personnel Board, the Inspector
19 General shall notify the State Personnel Board of the identity of
20 any employee who has filed a retaliation complaint with the
21 Inspector General, and the State Personnel Board shall notify the
22 Inspector General of the identity of any employee who has filed
23 a retaliation complaint with the State Personnel Board.

24 (c) (1) In a case in which the Inspector General determines, as
25 a result of his or her own ~~investigation~~ *review*, that an employee
26 has been subjected to acts of reprisal, retaliation, threats, or similar
27 acts in violation of this section, the Inspector General shall provide
28 a copy of the ~~investigative~~ report, together with all other underlying
29 ~~investigative~~ materials the Inspector General determines to be
30 relevant, to the appropriate director or chair who shall take
31 appropriate corrective action. In a case in which the Inspector
32 General determines, based on an independent review of the
33 investigation conducted by the employing entity, that an employee
34 has been subjected to acts of reprisal, retaliation, threats, or similar
35 acts in violation of this section, the Inspector General shall submit
36 a written recommendation to the appropriate director or chair who
37 shall take appropriate corrective action. If the hiring authority
38 initiates disciplinary action as defined in Section 19570 of the
39 Government Code, it shall provide the subject with all materials
40 required by law.

1 ~~(2) The Inspector General shall publish a quarterly summary of~~
2 ~~investigations, with personal identifying information removed,~~
3 ~~including, but not limited to, the conduct investigated, any~~
4 ~~recommended discipline, and any discipline actually imposed.~~

5 ~~(3)~~

6 (2) Any employee at any rank and file, supervisory, or
7 managerial level, who intentionally engages in acts of reprisal,
8 retaliation, threats, coercion, or similar acts against another
9 employee, pursuant to paragraph (2) of subdivision (a), shall be
10 disciplined by the employing entity by adverse action as provided
11 in Section 19572 of the Government Code. The disciplinary action
12 shall require, at a minimum, a suspension for not less than 30 days
13 without pay, except in a case in which the employing entity
14 determines that a lesser penalty is warranted. In that case, the
15 employing entity shall, within 30 days of receipt of the
16 ~~investigative~~ report, provide written justification for that decision
17 to the Inspector General. The employing entity shall also, within
18 30 days of receipt of the written report, notify the Inspector General
19 in writing as to what steps, if any, it has taken to remedy the
20 retaliatory conduct found to have been committed by any of its
21 employees.

22 (d) (1) In an instance in which the appropriate director or chair
23 declines to take adverse action against any employee found by the
24 Inspector General to have engaged in acts of reprisal, retaliation,
25 threats, or similar acts in violation of this section, the director or
26 chair shall notify the Inspector General of that fact in writing within
27 30 days of receipt of the ~~investigative~~ report from the Inspector
28 General, and shall notify the Inspector General of the specific
29 reasons why the director or chair declined to invoke adverse action
30 proceedings against the employee.

31 (2) The Inspector General shall, thereafter, with the written
32 consent of the complaining employee, forward an unredacted copy
33 of the ~~investigative~~ report, together with all other underlying
34 ~~investigative~~ materials the Inspector General deems to be relevant,
35 to the State Personnel Board so that the complaining employee
36 can request leave to file charges against the employee found to
37 have engaged in acts of reprisal, retaliation, threats, or similar acts,
38 in accordance with the provisions of Section 19583.5 of the
39 Government Code. If the State Personnel Board accepts the

1 complaint, the board shall provide the charged and complaining
2 parties with a copy of all relevant materials.

3 (3) In addition to all other penalties provided by law, including
4 Section 8547.8 of the Government Code or any other penalties
5 that the sanctioning authority may determine to be appropriate,
6 any state employee at any rank and file, supervisory, or managerial
7 level found by the State Personnel Board to have intentionally
8 engaged in acts of reprisal, retaliation, threats, or coercion shall
9 be suspended for not less than 30 days without pay, and shall be
10 liable in an action for damages brought against him or her by the
11 injured party. If the State Personnel Board determines that a lesser
12 period of suspension is warranted, the reasons for that
13 determination must be justified in writing in the decision.

14 (e) Nothing in this section shall prohibit the employing entity
15 from exercising its authority to terminate, suspend, or discipline
16 an employee who engages in conduct prohibited by this section.

17 *SEC. 47. Section 6131 of the Penal Code is amended to read:*

18 6131. (a) Upon the completion of any ~~audit~~ review conducted
19 by the Inspector General, he or she shall prepare a *public* written
20 report, ~~which shall be disclosed, along with all underlying materials~~
21 ~~the Inspector General deems appropriate, to the Governor, the~~
22 ~~Secretary of the Department of Corrections and Rehabilitation,~~
23 ~~the appropriate director, chairperson, or law enforcement agency,~~
24 ~~and the Legislature. The public written report shall differ from the~~
25 ~~complete written report in the respect that the Inspector General~~
26 ~~shall have the discretion to redact or otherwise protect the names~~
27 ~~of individuals, specific locations, or other facts that, if not redacted,~~
28 ~~might hinder prosecution related to the review, or where disclosure~~
29 ~~of the information is otherwise prohibited by law, and to decline~~
30 ~~to produce any of the underlying materials. Copies of all those~~
31 *public* written reports shall be posted on the Inspector General's
32 Internet Web site within 10 days of being disclosed to the
33 ~~above-listed~~ entities or persons *listed in subdivision (b).*

34 (b) Upon the completion of any ~~investigation~~ review conducted
35 by the Inspector General, he or she shall prepare a complete written
36 report, which shall be held as confidential and disclosed in
37 confidence, along with all underlying ~~investigative~~ materials the
38 Inspector General deems appropriate, to the Governor, the
39 Secretary of the Department of Corrections and Rehabilitation,

1 and the appropriate ~~director, chairperson, or~~ law enforcement
2 agency.

3 (c) Upon the completion of any ~~investigation~~ *review* conducted
4 by the Inspector General, he or she shall also prepare and issue on
5 a quarterly basis a public ~~investigative~~ report that includes all
6 ~~investigations~~ *reviews* completed in the previous quarter. The
7 public ~~investigative~~ report shall differ from the complete
8 ~~investigative~~ report in the respect that the Inspector General shall
9 have the discretion to redact or otherwise protect the names of
10 individuals, specific locations, or other facts that, if not redacted,
11 might hinder prosecution related to the ~~investigation, review, or~~
12 where disclosure of the information is otherwise prohibited by
13 law, and to decline to produce any of the underlying ~~investigative~~
14 materials. In a case where allegations were deemed to be
15 unfounded, all applicable identifying information shall be redacted.
16 The public ~~investigative~~ report shall be made available to the public
17 upon request and on a quarterly basis as follows:

18 (1) In those cases where ~~an investigation~~ *a review* is referred
19 only for disciplinary action before the State Personnel Board or
20 for other administrative proceedings, the employing entity shall,
21 within 10 days of receipt of the State Personnel Board's order
22 rendered in other administrative proceedings, provide the Inspector
23 General with a copy of the order. The Inspector General shall
24 attach the order to the public ~~investigative~~ report on his or her
25 Internet Web site and provide copies of the report and order to the
26 Legislature, as well as to any complaining employee and any
27 employee who was the subject of the ~~investigation, review.~~

28 (2) In those cases where the employing entity and the employee
29 against whom disciplinary action has been taken enter into a
30 settlement agreement concerning the disciplinary action, the
31 employing entity shall, within 10 days of the settlement agreement
32 becoming final, notify the Inspector General in writing of that fact
33 and shall describe what disciplinary action, if any, was ultimately
34 imposed on the employee. The Inspector General shall include the
35 settlement information in the public ~~investigative~~ report on his or
36 her Internet Web site and provide copies of the report to the
37 Legislature, as well as to any complaining employee and any
38 employee who was the subject of the ~~investigation, review.~~

39 (3) In those cases where the employing entity declines to pursue
40 disciplinary action against an employee, the employing entity shall,

1 within 10 days of its decision, notify the Inspector General in
2 writing of its decision not to pursue disciplinary action, setting
3 forth the reasons for its decision. The Inspector General shall
4 include the decision and rationale in the public ~~investigative~~ report
5 on his or her Internet Web site and provide copies of the report to
6 the Legislature, as well as to any complaining employee and any
7 employee who was the subject of the ~~investigation~~. *review*.

8 (4) In those cases where ~~an investigation~~ *a review* has been
9 referred for possible criminal prosecution, and the applicable local
10 law enforcement agency or the Attorney General has decided to
11 commence criminal proceedings against an employee, the report
12 shall be made public at a time deemed appropriate by the Inspector
13 General after consultation with the local law enforcement agency
14 or the Attorney General, but in all cases no later than when
15 discovery has been provided to the defendant in the criminal
16 proceedings. The Inspector General shall thereafter post the public
17 ~~investigative~~ report on his or her Internet Web site and provide
18 copies of the report to the Legislature, as well as to any
19 complaining employee and any employee who was the subject of
20 the ~~investigation~~. *review*.

21 (5) In those cases where the local law enforcement agency or
22 the Attorney General declines to commence criminal proceedings
23 against an employee, the local law enforcement agency or the
24 Attorney General shall, within 30 days of reaching that decision,
25 notify the Inspector General of that fact. The Inspector General
26 shall include the decision in the public ~~investigative~~ report on his
27 or her Internet Web site and provide copies of the report to the
28 Legislature, as well as to any complaining employee and any
29 employee who was the subject of the ~~investigation~~. *review*.

30 (6) In those cases where ~~an investigation~~ *a review* has *not* been
31 referred for ~~neither~~ disciplinary action ~~or~~, other administrative
32 proceedings, ~~nor for~~ *or* criminal prosecution, the Inspector General
33 shall include the decision not to refer the matter in the public
34 ~~investigative~~ report on his or her Internet Web site and provide
35 copies of the report to the Legislature, as well as to any
36 complaining employee and any employee who was the subject of
37 the ~~investigation~~. *review*.

38 *SEC. 48. Section 6132 of the Penal Code is amended to read:*

39 6132. ~~The~~ *(a) Notwithstanding Section 10231.5 of the*
40 *Government Code, the Inspector General shall report annually to*

1 the Governor and the Legislature a summary of ~~his or her~~
2 ~~investigations and audits; its reports.~~ The summary shall be posted
3 on the ~~Inspector General's office's Internet~~ Web site and otherwise
4 made available to the public upon its release to the Governor and
5 the Legislature. The summary shall include, but not be limited to,
6 significant problems discovered by the ~~Inspector General, office,~~
7 and whether recommendations the ~~Inspector General office~~ has
8 made ~~through audits and investigations~~ have been implemented
9 by the subject agency, department, or board.

10 (b) A report pursuant to subdivision (a) shall be submitted in
11 compliance with Section 9795 of the Government Code.

12 SEC. 49. Section 13800 of the Penal Code is amended to read:
13 13800. Unless otherwise required by context, as used in this
14 title, on and after January 1, 2012:

15 (a) "Agency" means the ~~California Emergency Management~~
16 ~~Agency Board of State and Community Corrections.~~

17 (b) "Council" means the ~~California Council on Criminal Justice~~
18 ~~"Board" means the Board of State and Community Corrections.~~

19 (c) "Federal acts" means the Federal Omnibus Crime Control
20 and Safe Streets Act of 1968, the Federal Juvenile Delinquency
21 Prevention and Control Act of 1968, and any act or acts amendatory
22 or supplemental thereto.

23 (d) "Local boards" means local criminal justice planning boards.

24 (e) ~~"Secretary" means the Secretary of Emergency Management.~~
25 ~~"Executive Director" means the Executive Director of the Board~~
26 ~~of State and Community Corrections.~~

27 SEC. 50. Section 13801 of the Penal Code is amended to read:
28 13801. Nothing in this title shall be construed as authorizing
29 the ~~council, the office board,~~ or the local boards to undertake direct
30 operational criminal justice responsibilities.

31 SEC. 51. Section 13810 of the Penal Code is repealed.

32 13810. (a) ~~There is hereby created in the state government the~~
33 ~~California Council on Criminal Justice, which shall be composed~~
34 ~~of the following members: the Attorney General; the~~
35 ~~Administrative Director of the Courts; 19 members appointed by~~
36 ~~the Governor, including the Commissioner of the Department of~~
37 ~~the Highway Patrol, the Secretary of the Department of Corrections~~
38 ~~and Rehabilitation, or his or her designee, a subordinate officer of~~
39 ~~the Secretary of Corrections and Rehabilitation, and the State~~
40 ~~Public Defender; eight members appointed by the Senate~~

1 Committee on Rules; and eight members appointed by the Speaker
2 of the Assembly.

3 (b) (1) The remaining appointees of the Governor shall include
4 different persons from each of the following categories: a district
5 attorney, a sheriff, a county public defender, a county probation
6 officer, a member of a city council, a member of a county board
7 of supervisors, a faculty member of a college or university qualified
8 in the field of criminology, police science, or law, a person
9 qualified in the field of criminal justice research and six private
10 citizens, including a representative of a citizens, professional, or
11 community organization.

12 (2) The Senate Committee on Rules shall include among its
13 appointments different persons from each of the following
14 categories: a member of the Senate Committee on Public Safety,
15 a representative of the counties, a representative of the cities, a
16 judge designated by the Judicial Council, and four private citizens,
17 including a representative of a citizens, professional, or community
18 organization.

19 (3) The Speaker of the Assembly shall include among his or
20 her appointments different persons from each of the following
21 categories: a representative of the counties, a representative of the
22 cities, a member of the Assembly Committee on Public Safety, a
23 chief of police, a peace officer, and three private citizens, including
24 a representative of a citizens, professional, or community
25 organization directly related to delinquency prevention.

26 (c) The Governor shall select a chairperson from among the
27 members of the council.

28 *SEC. 52. Section 13811 of the Penal Code is repealed.*

29 13811. The council shall meet no more than 12 times per year.

30 The council may create subcommittees of its own membership
31 and each subcommittee shall meet as often as the subcommittee
32 members find necessary. It is the intent of the Legislature that all
33 council members shall actively participate in all council
34 deliberations required by this chapter. Any member who misses
35 three consecutive meetings or who attends less than 50 percent of
36 the council's regularly called meetings in any calendar year for
37 any cause except severe temporary illness or injury shall be
38 automatically removed from the council.

39 *SEC. 53. Section 13812 of the Penal Code is amended to read:*

~~13812. Members of the council shall receive no compensation for their services but shall be reimbursed for their expenses actually and necessarily incurred by them in the performance of their duties under this title. No compensation or expenses shall be received by the members of any continuing task forces, review committees or other auxiliary bodies created by the council who are not council members, except that persons requested to appear before the council with regard to specific topics on one or more occasions shall be reimbursed for the travel expenses necessarily incurred in fulfilling those requests.~~

The

13812. The Advisory Committee on Juvenile Justice and Delinquency Prevention appointed by the Governor pursuant to federal law may be reimbursed by the agency or agencies designated by the Director of Finance pursuant to Section 13820 for expenses necessarily incurred by the members. Staff support for the committee will be provided by the agency or agencies designated by the Director of Finance pursuant to Section 13820.

SEC. 54. Section 13813 of the Penal Code is repealed.

~~13813. The council shall act as the supervisory board of the state planning agency pursuant to federal acts. It shall annually review and approve, or review, revise and approve, the comprehensive state plan for the improvement of criminal justice and delinquency prevention activities throughout the state, shall establish priorities for the use of such funds as are available pursuant to federal acts, and shall approve the expenditure of all funds pursuant to such plans or federal acts; provided that the approval of such expenditures may be granted to single projects or to groups of projects.~~

SEC. 55. Section 13820 of the Penal Code is amended to read:

13820. (a) The Office of Criminal Justice Planning is hereby abolished. The duties and obligations of that office, and all powers and authority formerly exercised by that office, shall be transferred to and assumed by the agency California Emergency Management Agency, with the exception of the duties described in Section 6024, which shall be assumed by the Board of State and Community Corrections.

(b) Except for this section, the phrase "Office of Criminal Justice Planning" or any reference to that phrase in this code shall be construed to mean or refer to the agency. Any reference to the

1 executive director of the Office of Criminal Justice Planning in
2 this code shall be construed to mean the secretary.

3 *SEC. 56. Section 13823 of the Penal Code is repealed.*

4 ~~13823. (a) In cooperation with local boards, the agency shall:~~

5 ~~(1) Develop with the advice and approval of the council, the~~
6 ~~comprehensive statewide plan for the improvement of criminal~~
7 ~~justice and delinquency prevention activity throughout the state.~~

8 ~~(2) Define, develop, and correlate programs and projects for the~~
9 ~~state criminal justice agencies.~~

10 ~~(3) Receive and disburse federal funds, perform all necessary~~
11 ~~and appropriate staff services required by the council, and~~
12 ~~otherwise assist the council in the performance of its duties as~~
13 ~~established by federal acts.~~

14 ~~(4) Develop comprehensive, unified, and orderly procedures to~~
15 ~~ensure that all local plans and all state and local projects are in~~
16 ~~accord with the comprehensive state plan, and that all applications~~
17 ~~for grants are processed efficiently.~~

18 ~~(5) Cooperate with and render technical assistance to the~~
19 ~~Legislature, state agencies, units of general local government,~~
20 ~~combinations of those units, or other public or private agencies,~~
21 ~~organizations, or institutions in matters relating to criminal justice~~
22 ~~and delinquency prevention.~~

23 ~~(6) Conduct evaluation studies of the programs and activities~~
24 ~~assisted by the federal acts.~~

25 ~~(b) The agency may:~~

26 ~~(1) Collect, evaluate, publish, and disseminate statistics and~~
27 ~~other information on the condition and progress of criminal justice~~
28 ~~in the state.~~

29 ~~(2) Perform other functions and duties as required by federal~~
30 ~~acts, rules, regulations, or guidelines in acting as the administrative~~
31 ~~office of the state planning agency for distribution of federal grants.~~

32 *SEC. 57. Section 13826.1 of the Penal Code is amended to*
33 *read:*

34 ~~13826.1. (a) There is hereby established in the agency Board~~
35 ~~of State and Community Corrections, the Gang Violence~~
36 ~~Suppression Program, a program of financial and technical~~
37 ~~assistance for district attorneys' offices, local law enforcement~~
38 ~~agencies, county probation departments, school districts, county~~
39 ~~offices of education, or any consortium thereof, and~~
40 ~~community-based organizations which are primarily engaged in~~

1 the suppression of gang violence. All funds appropriated to the
2 ~~agency board~~ for the purposes of this chapter shall be administered
3 and disbursed by the ~~secretary in consultation with the California~~
4 ~~Council on Criminal Justice~~ *board consistent with the purposes*
5 *and mission of the board*, and shall to the greatest extent feasible
6 be coordinated or consolidated with federal funds that may be
7 made available for these purposes.

8 (b) The ~~secretary board~~ is authorized to allocate and award
9 funds to cities, counties, school districts, county offices of
10 education, or any consortium thereof, and community-based
11 organizations in which gang violence suppression programs are
12 established in substantial compliance with the policies and criteria
13 set forth in this chapter.

14 (c) The allocation and award of funds shall be made on the
15 application of the district attorney, chief law enforcement officer,
16 or chief probation officer of the applicant unit of government and
17 approved by the legislative body, on the application of school
18 districts, county offices of education, or any consortium thereof,
19 or on the application of the chief executive of a community-based
20 organization. All programs funded pursuant to this chapter shall
21 work cooperatively to ensure the highest quality provision of
22 services and to reduce unnecessary duplication. Funds disbursed
23 under this chapter shall not supplant local funds that would, in the
24 absence of the Gang Violence Suppression Program, be made
25 available to support the activities set forth in this chapter. Funds
26 awarded under this program as local assistance grants shall not be
27 subject to review as specified in Section 10295 of the Public
28 Contract Code.

29 (d) The ~~secretary board~~ shall prepare and issue written program
30 and administrative guidelines and procedures for the Gang Violence
31 Suppression Program, consistent with this chapter. These guidelines
32 shall set forth the terms and conditions upon which the ~~agency~~
33 *board* is prepared to offer grants of funds pursuant to statutory
34 authority. The guidelines do not constitute rules, regulations,
35 orders, or standards of general application.

36 (e) Annually, commencing November 1, 1984, the ~~secretary~~
37 *board* shall prepare a report to the Legislature describing in detail
38 the operation of the statewide program and the results obtained by
39 district attorneys' offices, local law enforcement agencies, county
40 probation departments, school districts, county offices of education,

1 or any consortium thereof, and community-based organizations
2 receiving funds under this chapter and under comparable federally
3 financed awards.

4 (f) Criteria for selection of district attorneys' offices, local law
5 enforcement agencies, county probation departments, school
6 districts, county offices of education, or any consortium thereof,
7 and community-based organizations to receive gang violence
8 suppression funding shall be developed in consultation with the
9 Gang Violence Suppression Advisory Committee whose members
10 shall be appointed by the ~~secretary~~ *executive director of the board*,
11 unless otherwise designated.

12 (g) (1) The Gang Violence Suppression Advisory Committee
13 shall be composed of five district attorneys; two chief probation
14 officers; two representatives of community-based organizations;
15 three attorneys primarily engaged in the practice of juvenile
16 criminal defense; three law enforcement officials with expertise
17 in gang-related investigations; one member from the California
18 Youth Authority Gang Task Force nominated by the Director of
19 the California Youth Authority; one member of the Department
20 of Corrections Law Enforcement Liaison Unit nominated by the
21 Director of the Department of Corrections and Rehabilitation; one
22 member from the Department of Justice nominated by the Attorney
23 General; the Superintendent of Public Instruction, or his or her
24 designee; one member of the California School Boards Association;
25 and one representative of a school program specializing in the
26 education of the target population identified in this chapter.

27 ~~Five~~

28 (2) ~~Five~~ members of the Gang Violence Suppression Advisory
29 Committee appointed by the ~~secretary~~ *executive director* shall be
30 from rural or predominately suburban counties and shall be
31 designated by the secretary as comprising the Rural Gang Task
32 Force Subcommittee.

33 ~~The~~

34 (3) ~~The~~ Rural Gang Task Force Subcommittee, in coordination
35 with the Gang Violence Suppression Advisory Committee and the
36 ~~agency board~~, shall review the Gang Violence Suppression
37 Program participation requirements and recommend changes in
38 the requirements which recognize the unique conditions and
39 constraints that exist in small rural jurisdictions and enhance the

1 ability of small rural jurisdictions to participate in the Gang
2 Violence Suppression Program.

3 (h) ~~The secretary~~ *executive director* shall designate a staff
4 member in the Gang Violence Suppression Program to act as the
5 Rural Gang Prevention Coordinator and to provide technical
6 assistance and outreach to rural jurisdictions with emerging gang
7 activities. It is the intent of the Legislature that compliance with
8 this subdivision not necessitate an additional staff person.

9 (i) ~~This section shall be operative on January 1, 1994.~~

10 SEC. 58. *Section 13826.15 of the Penal Code is amended to*
11 *read:*

12 13826.15. (a) (1) The Legislature hereby finds and declares
13 that the implementation of the Gang Violence Suppression
14 Program, as provided in this chapter, has made a positive impact
15 in the battle against crimes committed by gang members in
16 California.

17 ~~The~~

18 (2) *The* Legislature further finds and declares that the program,
19 when it was originally created in 1981, provided financial and
20 technical assistance only for district attorneys' offices. Since that
21 time, however, the provisions of the program have been amended
22 by the Legislature to enable additional public entities and
23 community-based organizations to participate in the program. In
24 this respect, the agency, pursuant to Section 13826.1, administers
25 funding for the program by awarding grants to worthy applicants.
26 Therefore, it is the intent of the Legislature in enacting this measure
27 to assist the ~~agency~~ *Board of State and Community Corrections*
28 in setting forth guidelines for this funding.

29 (b) ~~The agency board~~ may give priority to applicants for new
30 grant awards, as follows:

31 (1) First priority may be given to applicants representing
32 unfunded single components, as specified in Sections 13826.2,
33 13826.4, 13826.5, 13826.6, and 13826.65, in those counties that
34 receive Gang Violence Suppression Program funding for some,
35 but not all, of the program's components. The purpose of
36 establishing this priority is to provide funding for a full complement
37 of the five Gang Violence Suppression Program components in
38 those counties that have less than all five components established.

39 (2) Second priority may be given to those applicants that propose
40 a multiagency, or multijurisdictional single component project,

1 whereby more than one agency would be funded as a joint project
2 under the single components specified in Sections 13826.2,
3 13826.4, 13826.5, 13826.6, and 13826.65, and the funding would
4 be provided through a single grant award.

5 (3) Third priority may be given to applicants that propose
6 multijurisdictional multicomponent projects, whereby all five Gang
7 Violence Suppression Program components, as specified in
8 Sections 13826.2, 13826.4, 13826.5, 13826.6, and 13826.65, would
9 be funded in a county that does not currently receive Gang Violence
10 Suppression Program funds.

11 (4) Fourth priority may be given to those single agency single
12 component applicants, in counties wherein the program component
13 is not currently funded.

14 (c) The ~~agency board~~ shall consider the unique needs of, and
15 circumstances of jurisdiction in, rural and suburban counties when
16 awarding new grant funds.

17 *SEC. 59. Section 13826.7 of the Penal Code is amended to*
18 *read:*

19 13826.7. ~~The agency and the California Council on Criminal~~
20 ~~Justice are~~ *Board of State and Community Corrections is*
21 encouraged to utilize any federal funds that may become available
22 for purposes of this chapter. This chapter becomes operative only
23 if federal funds are made available for its implementation.

24 *SEC. 60. Section 13827 of the Penal Code is repealed.*

25 ~~13827. (a) There is within the agency, the Office of Gang and~~
26 ~~Youth Violence Policy.~~

27 ~~(b) (1) The Office of Gang and Youth Violence Policy shall be~~
28 ~~responsible for identifying and evaluating state, local, and federal~~
29 ~~gang and youth violence suppression, intervention, and prevention~~
30 ~~programs and strategies, along with funding for those efforts. The~~
31 ~~director shall be responsible for monitoring, assessing, and~~
32 ~~coordinating the state's programs, strategies, and funding that~~
33 ~~address gang and youth violence in a manner that maximizes the~~
34 ~~effectiveness and coordination of those programs, strategies, and~~
35 ~~resources. The secretary shall communicate with local agencies~~
36 ~~and programs in an effort to promote the best practices for~~
37 ~~addressing gang and youth violence through suppression,~~
38 ~~intervention, and prevention.~~

39 ~~(2) The agency shall develop a comprehensive set of~~
40 ~~recommendations to define its mission, role, and responsibilities~~

1 as a statewide entity dedicated to reducing violence and the
2 proliferation of gangs and gang violence in California communities.

3 (3) In developing this set of recommendations, the agency shall
4 collaborate with a wide range of state and local stakeholders,
5 including, but not limited to, community-based organizations
6 serving at-risk populations and neighborhoods, law enforcement,
7 educators, the courts, policy experts and scholars with expertise
8 in the area of criminal street gangs, and local policymakers.

9 (4) The agency, in collaboration with the stakeholders specified
10 in paragraph (3), shall include in its deliberations the most effective
11 role for the office with respect to the following:

12 (A) The collection and analysis of data on gang membership
13 statewide and the effectiveness of various gang prevention efforts.

14 (B) The development of reliable and accurate sources of data
15 to measure the scale and characteristics of California's gang
16 problems.

17 (C) The development of a clearinghouse for research on gangs,
18 at-risk youth, and prevention and intervention programs in order
19 to identify best practices and evidence-based programming, as
20 well as unsuccessful practices, and in order to promote effective
21 strategies for reducing gang involvement and gang violence.

22 (D) Assisting state and local governmental and nongovernmental
23 entities in developing violence and gang prevention strategies,
24 including built-in evaluation components.

25 (E) The development of sustained coordination mechanisms
26 among state, local, and regional entities.

27 (F) The identification of available or needed federal, state,
28 regional, local, and private funding resources.

29 (G) Providing or otherwise promoting public education on
30 effective programs, models, and strategies for the control of
31 violence and serving as a clearinghouse for information on gang
32 violence prevention issues, programs, resources, and research.

33 (H) Providing or otherwise promoting training and technical
34 assistance to help build the capacity of organizations, communities,
35 and local government to develop, implement, and evaluate gang
36 violence prevention programs.

37 (I) Providing information and guidance to state and local
38 governmental and nongovernmental entities on accessing state and
39 federal resources to prevent gang violence.

1 ~~(J) Facilitating greater integration between existing entities with~~
2 ~~respect to gang prevention efforts.~~

3 ~~SEC. 61. Section 13827.1 of the Penal Code is repealed.~~

4 ~~13827.1. There is within the agency, the following offices:~~

5 ~~(a) Director of the Office of Gang and Youth Violence Policy.~~
6 ~~The director shall report directly to the office of the Governor.~~

7 ~~(b) Chief Deputy Director of Gang and Youth Violence Policy.~~

8 ~~SEC. 62. Section 13827.2 of the Penal Code is repealed.~~

9 ~~13827.2. The Office of Gang and Youth Violence Policy shall~~
10 ~~establish an Internet Web site, in coordination with the agency,~~
11 ~~that provides an Internet hyperlink to the various grants~~
12 ~~administered by the agency and technical assistance on the process~~
13 ~~for applying for grants.~~

14 ~~SEC. 63. Section 13831 of the Penal Code is repealed.~~

15 ~~13831. The California Council on Criminal Justice may request~~
16 ~~the advice and assistance of the Judicial Criminal Justice Planning~~
17 ~~Committee in carrying out its functions under Chapter 2 of this~~
18 ~~title.~~

19 ~~SEC. 64. Section 13832 of the Penal Code is repealed.~~

20 ~~13832. The agency shall consult with, and shall seek the advice~~
21 ~~of, the Judicial Criminal Justice Planning Committee in carrying~~
22 ~~out its functions under Chapter 3 of this title insofar as they affect~~
23 ~~the California court system.~~

24 ~~In addition, any grant of federal funds made or approved by the~~
25 ~~office which is to be implemented in the California court system~~
26 ~~shall be submitted to the Judicial Criminal Justice Planning~~
27 ~~Committee for its review and recommendations before being~~
28 ~~presented to the California Council on Criminal Justice for its~~
29 ~~action.~~

30 ~~SEC. 65. Section 13901 of the Penal Code is amended to read:~~

31 ~~13901. (a) For the purposes of coordinating local criminal~~
32 ~~justice activities and planning for the use of state and federal action~~
33 ~~funds made available through any grant programs, criminal justice~~
34 ~~and delinquency prevention planning districts shall be established.~~

35 ~~(b) On January 1, 1976, all planning district boundaries shall~~
36 ~~remain as they were immediately prior to that date. Thereafter, the~~
37 ~~number and boundaries of those planning districts may be altered~~
38 ~~from time to time by a two-thirds vote of the California Council~~
39 ~~on Criminal Justice pursuant to this section; provided that no~~
40 ~~county shall be divided into two or more districts, nor shall two~~

1 or more counties which do not comprise a contiguous area form
2 a single district.

3 (c) Prior to taking any action to alter the boundaries of any
4 planning district, the council shall adopt a resolution indicating its
5 intention to take the action and, at least 90 days prior to the taking
6 of the action, shall forward a copy of the resolution to all units of
7 government directly affected by the proposed action ~~together with~~
8 ~~notice of the time and place at which the action will be considered~~
9 ~~by the council.~~

10 (d) If any county or a majority of the cities directly affected by
11 the proposed action objects thereto, and a copy of the resolution
12 of each board of supervisors or city council stating its objection
13 is delivered to the Secretary of Emergency Management within
14 30 days following the giving of the notice of the proposed action,
15 ~~the council, or a duly constituted committee thereof, secretary~~
16 shall conduct a public meeting within the boundaries of the district
17 as they are proposed to be determined. Notice of the time and place
18 of the meeting shall be given to the public and to all units of local
19 government directly affected by the proposed action, and
20 reasonable opportunity shall be given to members of the public
21 and representatives of those units to present their views on the
22 proposed action.

23 *SEC. 66. Section 19204 of the Public Contract Code is amended*
24 *to read:*

25 19204. (a) All judicial branch entities shall comply with the
26 provisions of this code that are applicable to state agencies and
27 departments related to the procurement of goods and services,
28 including information technology goods and services. All contracts
29 with total cost estimated at more than one million dollars
30 (\$1,000,000), except contracts covered by Section 68511.9 of the
31 Government Code, shall be subject to the review and
32 recommendations of the Bureau of State Audits to ensure
33 compliance with this part. *All judicial branch entities shall notify*
34 *the State Auditor, in writing, of the existence of any such contracts*
35 *within 10 business days of entering the contract.* In addition, all
36 administrative and infrastructure information technology projects
37 of the Judicial Council or the courts with total costs estimated at
38 more than five million dollars (\$5,000,000) shall be subject to the
39 reviews and recommendations of the California Technology
40 Agency, as specified in Section 68511.9 of the Government Code.

(b) Except as provided in subdivision (c), procurement and contracting for the planning, design, construction, rehabilitation, renovation, replacement, lease, or acquisition of court facilities shall be conducted by judicial branch entities consistent with the relevant provisions of this code applicable to state agencies.

(c) Notwithstanding any other provision of law, this part does not apply to procurement and contracting by judicial branch entities that are related to trial court construction, including, but not limited to, the planning, design, construction, rehabilitation, renovation, replacement, lease, or acquisition of trial court facilities. However, this part shall apply to contracts for maintenance of all judicial branch facilities that are not under the operation and management of the Department of General Services.

(d) Only until the Judicial Council adopts the Judicial Branch Contracting Manual required pursuant to Section 19206, judicial branch entities shall instead be governed by applicable policies and procedures in the State Administrative Manual and the State Contracting Manual, or policies and procedures as otherwise required by law to be adopted by the Department of General Services applicable to state agencies.

SEC. 67. Section 19209 of the Public Contract Code is amended to read:

19209. (a) ~~Beginning~~ *Notwithstanding Section 10231.5 of the Government Code, beginning in 2012, twice each year, the Judicial Council shall provide a report to the Joint Legislative Budget Committee and the State Auditor that provides information related to procurement of contracts for the judicial branch. One report shall be provided no later than February 1 of each year, covering the period from July 1 through December 31 of the prior year, and the second report shall be provided no later than August 1 of each year, covering the period from January 1 through June 30 of the same year.*

(b) Each of the two annual reports shall include a list of all vendors or contractors receiving payments from any judicial branch entities. For each vendor or contractor receiving any payment during the reporting period, the report shall provide a separate listing for each distinct contract between that vendor or contractor and a judicial branch entity. For every vendor or contractor listed in the report, including for each distinct contract for those contractors or vendors with more than one payment during the

1 period, the report shall further identify the amount of payment to
2 the contractor or vendor, the type of service or good provided, and
3 the judicial branch entity or entities with which the vendor or
4 contractor was contracted to provide that service or good.

5 (c) Each of the two annual reports shall include a list of all
6 contract amendments made during the report period. For each
7 amendment, the report shall identify the vendor or contractor, the
8 type of service or good provided under the contract, the nature of
9 the amendment, the duration of the amendment, and the cost of
10 the amendment.

11 *SEC. 68. Section 19210 of the Public Contract Code is*
12 *repealed.*

13 ~~19210. The audits required pursuant to subdivisions (h) and~~
14 ~~(i) of Section 77206 of the Government Code shall include an audit~~
15 ~~and report by the State Auditor on his or her assessment of the~~
16 ~~implementation of this part by the judicial branch. The State~~
17 ~~Auditor shall be reimbursed by the judicial branch entity that is~~
18 ~~the subject of the audit for all reasonable costs associated with~~
19 ~~conducting the audit required by this section.~~

20 *SEC. 69. Section 19210 is added to the Public Contract Code,*
21 *to read:*

22 *19210. (a) Commencing not earlier than July 1, 2011, and not*
23 *later than December 15, 2012, the State Auditor shall establish a*
24 *pilot program to audit six trial courts. That entity shall select the*
25 *trial courts using the following criteria:*

26 *(1) Two trial courts selected from counties with a population*
27 *of 200,000 or less.*

28 *(2) Two trial courts selected from counties with a population*
29 *greater than 200,000 and less than 750,000.*

30 *(3) Two trial courts selected from counties with a population*
31 *of 750,000 or greater.*

32 *The audits shall assess the implementation of this part by the*
33 *judicial branch.*

34 *(b) Based on the results of the pilot program audits described*
35 *in subdivision (a), the State Auditor shall, on or before December*
36 *15, 2013, commence an audit of the trial courts, provided that*
37 *every trial court is audited in the manner prescribed by this section*
38 *at least once every four years. The audits shall assess the*
39 *implementation of this part by the judicial branch. The audits*

1 *required by this paragraph shall be in addition to any audit*
2 *regularly conducted pursuant to any other provision of law.*

3 *(c) Notwithstanding Section 10231.5 of the Government Code,*
4 *the State Auditor shall compile the trial court audit findings and*
5 *report the results of these audits to the Legislature, the Judicial*
6 *Council, and the Department of Finance no later than April 1 of*
7 *each year. An audit report shall not be considered final until the*
8 *audited entity is provided a reasonable opportunity to respond*
9 *and the response is included with, or incorporated into, the report.*

10 *(d) The reasonable and necessary contracted cost of the audits*
11 *conducted pursuant to this section shall be paid from funds of the*
12 *local trial court being audited.*

13 *(e) (1) On or before December 15, 2013, and biennially*
14 *thereafter, the State Auditor shall perform an audit of the*
15 *Administrative Office of the Courts, the Habeas Corpus Resource*
16 *Center, and the appellate courts to assess their implementation of*
17 *this part.*

18 *(2) The State Auditor shall provide a copy of the final audit*
19 *report of the Administrative Office of the Courts to the Legislature,*
20 *the Judicial Council, and the Department of Finance upon*
21 *issuance. An audit report shall not be considered final until the*
22 *audited entity is provided a reasonable opportunity to respond*
23 *and the response is included with, or incorporated into, the report.*

24 *(3) Any reasonable and necessary contracted costs incurred by*
25 *the auditing entity pursuant to this subdivision shall be reimbursed*
26 *by the Administrative Office of the Courts.*

27 *(f) The State Auditor shall conduct the audits required pursuant*
28 *to this section in accordance with Chapter 6.5 (commencing with*
29 *Section 8543) of Division 1 of Title 2 of the Government Code.*

30 *(g) If the State Auditor is selected as the auditing entity pursuant*
31 *to subdivision (j) of Section 77206 of the Government Code, then*
32 *the State Auditor may combine the results of any audit of a trial*
33 *court conducted pursuant to that section with an audit of the same*
34 *trial court conducted pursuant to this section. The State Auditor*
35 *may also combine the results of an audit of the Administrative*
36 *Office of the Courts pursuant to Section 77206 of the Government*
37 *Code with the results of an audit of the Administrative Office of*
38 *the Courts pursuant to this section.*

39 *(h) A report submitted pursuant to this section shall be submitted*
40 *in compliance with Section 9795 of the Government Code.*

1 *SEC. 70. Section 1766 of the Welfare and Institutions Code,*
2 *as added by Section 16 of Chapter 729 of the Statutes of 2010, is*
3 *amended to read:*

4 1766. (a) Subject to Sections 733 and 1767.35, and subdivision
5 (b) of this section, if a person has been committed to the
6 Department of Corrections and Rehabilitation, Division of Juvenile
7 Facilities, the Juvenile Parole Board, according to standardized
8 review and appeal procedures established by the board in policy
9 and regulation and subject to the powers and duties enumerated
10 in subdivision (a) of Section 1719, may do any of the following:

11 (1) Set a date on which the ward shall be discharged from the
12 jurisdiction of the Division of Juvenile Facilities and permitted his
13 or her liberty under supervision of probation and subject to the
14 jurisdiction of the ~~juvenile~~ committing court pursuant to subdivision
15 (b).

16 (2) Order his or her confinement under conditions the board
17 believes best designed for the protection of the public pursuant to
18 the purposes set forth in Section 1700, except that a person
19 committed to the division pursuant to Section 731 or 1731.5 may
20 not be held in physical confinement for a total period of time in
21 excess of the maximum periods of time set forth in Section 731.

22 (3) Discharge him or her from any formal supervision when the
23 board is satisfied that discharge is consistent with the protection
24 of the public.

25 (b) The following provisions shall apply to any ward eligible
26 for discharge from his or her commitment to the custody of the
27 Department of Corrections and Rehabilitation, Division of Juvenile
28 Facilities. Any order entered by the court pursuant to this
29 subdivision shall be consistent with evidence-based practices and
30 the interest of public safety.

31 (1) The county of commitment shall supervise the reentry of
32 any ward still subject to the court's jurisdiction and discharged
33 from the jurisdiction of the Division of Juvenile Facilities. The
34 conditions of the ward's supervision shall be established by the
35 court pursuant to the provisions of this section.

36 (2) Not less than 60 days prior to the scheduled discharge
37 consideration hearing of a ward described in this subdivision, the
38 division shall provide to the probation department and the court
39 of the committing county, and the ward's counsel, if known, the

1 most recent written review prepared pursuant to Section 1720,
2 along with notice of the discharge consideration hearing date.

3 (3) (A) Not less than 30 days prior to the scheduled discharge
4 consideration hearing, the division shall notify the ward of the date
5 and location of the discharge consideration hearing. A ward shall
6 have the right to contact his or her parent or guardian, if he or she
7 can reasonably be located, to inform the parent or guardian of the
8 date and location of the discharge consideration hearing. The
9 division shall also allow the ward to inform other persons identified
10 by the ward, if they can reasonably be located, and who are
11 considered by the division as likely to contribute to a ward's
12 preparation for the discharge consideration hearing or the ward's
13 postrelease success.

14 (B) This paragraph shall not apply if either of the following
15 conditions is met:

16 (i) A minor chooses not to contact his or her parents, guardians,
17 or other persons and the director of the division facility determines
18 it would be in the best interest of the minor not to contact the
19 parents, guardians, or other persons.

20 (ii) A person 18 years of age or older does not consent to the
21 contact.

22 (C) Upon intake of a ward committed to a division facility, and
23 again upon attaining 18 years of age while serving his or her
24 commitment in the custody of the division, an appropriate staff
25 person shall explain the provisions of subparagraphs (A) and (B),
26 using language clearly understandable to the ward.

27 (D) Nothing in this paragraph shall be construed to limit the
28 right of a ward to an attorney under any other law.

29 (4) Not less than 30 days prior to the scheduled discharge
30 consideration hearing of a ward described in this subdivision, the
31 probation department of the committing county may provide the
32 division with its written plan for the reentry supervision of the
33 ward. At the discharge consideration hearing, the Juvenile Parole
34 Board shall, in determining whether the ward is to be released,
35 consider a reentry supervision plan submitted by the county.

36 (5) If the Juvenile Parole Board determines that a ward is ready
37 for discharge to county supervision pursuant to subdivision (a),
38 the board shall set a date for discharge from the jurisdiction of the
39 Division of Juvenile Facilities no less than 14 days after the date
40 of such determination. The board shall also record any postrelease

1 recommendations for the ward. These recommendations will be
2 sent to the committing court responsible for setting the ward's
3 conditions of supervision no later than seven days from the date
4 of such determination.

5 (6) No more than four days but no less than one day prior to the
6 scheduled date of the reentry disposition hearing before the
7 committing court, the Division of Juvenile Facilities shall transport
8 and deliver the ward to the custody of the probation department
9 of the committing county. On or prior to a ward's date of discharge
10 from the Division of Juvenile Facilities, the committing court shall
11 convene a reentry disposition hearing for the ward. The purpose
12 of the hearing shall be for the court to identify those conditions of
13 supervision that are appropriate under all the circumstances of the
14 case and consistent with evidence-based practices. The court shall,
15 to the extent it deems appropriate, incorporate postrelease
16 recommendations made by the board as well as any reentry plan
17 submitted by the county probation department and reviewed by
18 the board into its disposition order. At the hearing the ward shall
19 be fully informed of the terms and conditions of any order entered
20 by the court, including the consequences for any violation thereof.
21 The procedure of the reentry disposition hearing shall otherwise
22 be consistent with the rules, rights, and procedures applicable to
23 delinquency disposition hearings as described in Article 17
24 (commencing with Section 675) of Chapter 2 of Part 1 of Division
25 2.

26 (7) The Department of Corrections and Rehabilitation shall have
27 no further jurisdiction over a ward who is discharged by the board.

28 (8) Notwithstanding any other law or any other provision of
29 this section and consistent with the provisions of Section 1984,
30 commencing July 1, 2014, all wards who remain on parole under
31 the jurisdiction of the Division of Juvenile Facilities shall be
32 discharged and transferred to the supervision of the committing
33 court for the remainder of their jurisdiction.

34 (c) Within 60 days of intake, the Division of Juvenile Facilities
35 shall provide the court and the probation department with a
36 treatment plan for the ward.

37 (d) Commencing July 1, 2014, and annually thereafter, for the
38 preceding fiscal year, the department shall collect and make
39 available to the public the following information:

1 (1) The total number of ward case reviews conducted by the
2 division and the board, categorized by guideline category.

3 (2) The number of discharge consideration dates for each
4 category set at guideline, above guideline, and below guideline.

5 (3) The number of ward case reviews resulting in a change to
6 a discharge consideration date, including the category assigned to
7 the ward and the specific reason for the change.

8 (4) The percentage of wards who have had a discharge
9 consideration date changed to a later date, the percentage of wards
10 who have had a discharge consideration date changed to an earlier
11 date, and the average annual time added or subtracted per case.

12 (5) The number and percentage of wards who, while confined
13 or on parole, are charged with a new misdemeanor or felony
14 criminal offense.

15 (6) Any additional data or information identified by the
16 department as relevant.

17 (e) As used in subdivision (d), the term “ward case review”
18 means any review of a ward that changes, maintains, or appreciably
19 affects the programs, treatment, or placement of a ward.

20 (f) This section shall become operative on July 1, 2014.

21 *SEC. 71. Section 1766.01 of the Welfare and Institutions Code*
22 *is amended to read:*

23 1766.01. (a) This section shall become operative on the 90th
24 day after the enactment of the act adding this section.

25 (b) Subject to Sections 733 and 1767.36, and subdivision (c) of
26 this section, if a person has been committed to the Department of
27 Corrections and Rehabilitation, Division of Juvenile Facilities, the
28 Juvenile Parole Board, according to standardized review and appeal
29 procedures established by the board in policy and regulation and
30 subject to the powers and duties enumerated in subdivision (b) of
31 Section 1719.5, may do any of the following:

32 (1) Set a date on which the ward shall be discharged from the
33 jurisdiction of the Division of Juvenile Facilities and permitted his
34 or her liberty under supervision of probation and subject to the
35 jurisdiction of the ~~juvenile~~ *committing* court pursuant to subdivision
36 (c).

37 (2) Order his or her confinement under conditions the board
38 believes best designed for the protection of the public pursuant to
39 the purposes set forth in Section 1700, except that a person
40 committed to the division pursuant to Section 731 or 1731.5 may

1 not be held in physical confinement for a total period of time in
2 excess of the maximum periods of time set forth in Section 731.

3 (3) Discharge him or her from any formal supervision when the
4 board is satisfied that discharge is consistent with the protection
5 of the public.

6 (c) The following provisions shall apply to any ward eligible
7 for discharge from his or her commitment to the custody of the
8 Department of Corrections and Rehabilitation, Division of Juvenile
9 Facilities. Any order entered by the court pursuant to this
10 subdivision shall be consistent with evidence-based practices and
11 the interest of public safety.

12 (1) The county of commitment shall supervise the reentry of
13 any ward still subject to the court's jurisdiction and discharged
14 from the jurisdiction of the Division of Juvenile Facilities. The
15 conditions of the ward's supervision shall be established by the
16 court pursuant to the provisions of this section.

17 (2) Not less than 60 days prior to the scheduled discharge
18 consideration hearing of a ward described in this subdivision, the
19 division shall provide to the probation department and the court
20 of the committing county, and the ward's counsel, if known, the
21 most recent written review prepared pursuant to Section 1720,
22 along with notice of the discharge consideration hearing date.

23 (3) (A) Not less than 30 days prior to the scheduled discharge
24 consideration hearing, the division shall notify the ward of the date
25 and location of the discharge consideration hearing. A ward shall
26 have the right to contact his or her parent or guardian, if he or she
27 can reasonably be located, to inform the parent or guardian of the
28 date and location of the discharge consideration hearing. The
29 division shall also allow the ward to inform other persons who are
30 identified by the ward, if they can reasonably be located, and who
31 are considered by the division as likely to contribute to a ward's
32 preparation for the discharge consideration hearing or the ward's
33 postrelease success.

34 (B) This paragraph shall not apply if either of the following
35 conditions is met:

36 (i) A minor chooses not to contact his or her parents, guardians,
37 or other persons and the director of the division facility determines
38 it would be in the best interest of the minor not to contact the
39 parents, guardians, or other persons.

1 (ii) A person 18 years of age or older does not consent to the
2 contact.

3 (C) Upon intake of a ward committed to a division facility, and
4 again upon attaining 18 years of age while serving his or her
5 commitment in the custody of the division, an appropriate staff
6 person shall explain the provisions of subparagraphs (A) and (B),
7 using language clearly understandable to the ward.

8 (D) Nothing in this paragraph shall be construed to limit the
9 right of a ward to an attorney under any other law.

10 (4) Not less than 30 days prior to the scheduled discharge
11 consideration hearing of a ward described in this subdivision, the
12 probation department of the committing county may provide the
13 division with its written plan for the reentry supervision of the
14 ward. At the discharge consideration hearing, the Juvenile Parole
15 Board shall, in determining whether the ward is to be released,
16 consider a reentry supervision plan submitted by the county.

17 (5) If the Juvenile Parole Board determines that a ward is ready
18 for discharge to county supervision pursuant to subdivision (b),
19 the board shall set a date for discharge from the jurisdiction of the
20 Division of Juvenile Facilities no less than 14 days after the date
21 of that determination. The board shall also record any postrelease
22 recommendations for the ward. These recommendations will be
23 sent to the committing court responsible for setting the ward's
24 conditions of supervision no later than seven days from the date
25 of that determination.

26 (6) No more than four days but no less than one day prior to the
27 scheduled date of the reentry disposition hearing before the
28 committing court, the Division of Juvenile Facilities shall transport
29 and deliver the ward to the custody of the probation department
30 of the committing county. On or prior to a ward's date of discharge
31 from the Division of Juvenile Facilities, the committing court shall
32 convene a reentry disposition hearing for the ward. The purpose
33 of the hearing shall be for the court to identify those conditions of
34 supervision that are appropriate under all the circumstances of the
35 case and consistent with evidence-based practices. The court shall,
36 to the extent it deems appropriate, incorporate postrelease
37 recommendations made by the board as well as any reentry plan
38 submitted by the county probation department and reviewed by
39 the board into its disposition order. At the hearing the ward shall
40 be fully informed of the terms and conditions of any order entered

1 by the court, including the consequences for any violation thereof.
2 The procedure of the reentry disposition hearing shall otherwise
3 be consistent with the rules, rights, and procedures applicable to
4 delinquency disposition hearings as described in Article 17
5 (commencing with Section 675) of Chapter 2 of Part 1 of Division
6 2.

7 (7) The Department of Corrections and Rehabilitation shall have
8 no further jurisdiction over a ward who is discharged by the board.

9 (d) Within 60 days of intake, the Division of Juvenile Facilities
10 shall provide the court and the probation department with a
11 treatment plan for the ward.

12 (e) Commencing July 1, 2011, and annually thereafter, for the
13 preceding fiscal year, the department shall collect and make
14 available to the public the following information:

15 (1) The total number of ward case reviews conducted by the
16 division and the board, categorized by guideline category.

17 (2) The number of discharge consideration dates for each
18 category set at guideline, above guideline, and below guideline.

19 (3) The number of ward case reviews resulting in a change to
20 a discharge consideration date, including the category assigned to
21 the ward and the specific reason for the change.

22 (4) The percentage of wards who have had a discharge
23 consideration date changed to a later date, the percentage of wards
24 who have had a discharge consideration date changed to an earlier
25 date, and the average annual time added or subtracted per case.

26 (5) The number and percentage of wards who, while confined
27 or on parole, are charged with a new misdemeanor or felony
28 criminal offense.

29 (6) Any additional data or information identified by the
30 department as relevant.

31 (f) As used in subdivision (e), the term “ward case review”
32 means any review of a ward that changes, maintains, or appreciably
33 affects the programs, treatment, or placement of a ward.

34 (g) This section applies only to a ward who is discharged from
35 state jurisdiction to the jurisdiction of the committing court on or
36 after the operative date of this section.

37 (h) This section shall become inoperative on July 1, 2014, and,
38 as of January 1, 2015, is repealed, unless a later enacted statute,
39 that becomes operative on or before January 1, 2015, deletes or
40 extends the dates on which it becomes inoperative and is repealed.

1 SEC. 72. *Section 14053.7 of the Welfare and Institutions Code*
2 *is amended to read:*

3 14053.7. (a) Notwithstanding any other provision of law, and
4 only to the extent that federal financial participation is available,
5 the department may provide Medi-Cal eligibility and
6 reimbursement for *acute* inpatient hospital services available under
7 this chapter in accordance with Section 5072 of the Penal Code.

8 (b) The department may disenroll inmates made eligible for
9 services under this section or in accordance with Section 5072 of
10 the Penal Code from Medi-Cal managed care health plans, and
11 may exempt inmates from enrollment into new or existing plans.

12 (c) Except as provided for in paragraph (2) of subdivision (e),
13 the Department of Corrections and Rehabilitation shall be
14 responsible for the nonfederal share of any reimbursement made
15 for the provision of *acute* inpatient hospital services rendered to
16 inmates who are eligible for and enrolled in a ~~CEED project~~ *LIHP*
17 and receive services pursuant to this section and Section 5072 of
18 the Penal Code.

19 (d) (1) Notwithstanding any other provision of law, including
20 Section 11050, the ~~state department, as the single state agency,~~
21 may make eligibility determinations and redeterminations for
22 inmates in accord with *this section and* Section 5072 of the Penal
23 Code.

24 (2) The department may enroll and disenroll inmates eligible
25 for *acute* inpatient hospital services under this section or in accord
26 with Section 5072 of the Penal Code in Medi-Cal or in the ~~CEED~~
27 ~~project~~ *LIHP* in which the inmate's county of last legal residence
28 participates.

29 (e) (1) In accordance with the requirements and conditions set
30 forth under this section and Section 5072 of the Penal Code, the
31 county may seek from the Medi-Cal program or from the
32 responsible ~~CEED project~~ *LIHP* in which the county participates,
33 reimbursement for the provision of inpatient hospital services to
34 adults involuntarily detained or incarcerated in county facilities.

35 (2) (A) To the extent that a county seeks reimbursement for
36 the provision of *acute* inpatient hospital services to adults who are
37 involuntarily detained or incarcerated in county facilities and who
38 are otherwise eligible for Medi-Cal pursuant to Chapter 7
39 (commencing with Section 14000) of Part 3 of Division 9, the

1 county shall be responsible for the nonfederal share of the
2 reimbursement.

3 (B) To the extent that a county seeks reimbursement for the
4 provision of *acute* inpatient hospital services to adults who are
5 involuntarily detained or incarcerated in county facilities and who
6 are otherwise eligible for and enrolled in the ~~CEED project~~ *LIHP*
7 in which the county participates, the ~~CEED project~~ *LIHP* shall be
8 responsible for the nonfederal share of the reimbursement.

9 (f) ~~Except as otherwise provided in subdivision (e) of Section~~
10 ~~5072 of the Penal Code, the inpatient hospital services eligible for~~
11 ~~reimbursement under~~ *Reimbursement pursuant to* this section shall
12 be limited to only those services ~~for which are subject to funding~~
13 ~~with~~ federal financial participation pursuant to Title XIX of the
14 federal Social Security Act *is allowed*.

15 (g) This section shall be implemented only if and to the extent
16 that existing levels of federal financial participation are not
17 otherwise jeopardized. To the extent that the department determines
18 that existing levels of federal financial participation are jeopardized,
19 this section shall no longer be implemented.

20 (h) The department shall seek any necessary federal approvals
21 for the implementation of this section. This section shall be
22 implemented only if and to the extent that any necessary federal
23 approvals are obtained.

24 (i) This section shall have no force ~~of~~ or effect if there is a final
25 judicial determination made by any state or federal court that is
26 not appealed, or by a court of appellate jurisdiction that is not
27 further appealed, in any action by any party, or a final
28 determination by the administrator of the federal Centers for
29 Medicare and Medicaid Services, that disallows, defers, or alters
30 the implementation of this section or in accord with Section 5072
31 of the Penal Code, including the rate methodology or payment
32 process established by the department that limits or affects the
33 department's authority to select the hospitals used to provide *acute*
34 inpatient hospital services to inmates.

35 (j) It is the intent of the Legislature that the implementation of
36 this section will result in state General Fund savings for the funding
37 of *acute* inpatient hospital services *provided to inmates* and any
38 related administrative costs ~~to the inmate population~~.

39 (k) Notwithstanding Chapter 3.5 (commencing with Section
40 11340) of Part 1 of Division 3 of Title 2 of the Government Code,

1 the department may, without taking any further regulatory action,
2 implement this section by means of all-county letters or similar
3 instructions.

4 (l) For purposes of this section, the following terms have the
5 following meanings:

6 (1) The term “county of last legal residence” means the county
7 in which the inmate resided at the time of arrest that resulted in
8 conviction and incarceration in a state prison facility.

9 (2) The term “inmate” means an adult who is involuntarily
10 residing in a state prison facility operated, administered or
11 regulated, directly or indirectly, by the Department of Corrections
12 and Rehabilitation.

13 *SEC. 73. Sections 1 to 15, inclusive, and Sections 18, 22, 30,*
14 *31, 32, 33, 34, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61,*
15 *62, 63, 64, and 65 of this act shall be operative on January 1,*
16 *2012.*

17 *SEC. 74. The Legislature finds and declares that, relative to*
18 *Section 47 of this act, to ensure the integrity of a criminal*
19 *prosecution related to a review, it is necessary to restrict public*
20 *access to all available information as described in that section.*

21 *SEC. 75. There is hereby appropriated one thousand dollars*
22 *(\$1,000) from the Trial Court Trust Fund to the judicial branch*
23 *for court administration.*

24 *SEC. 76. No reimbursement is required by this act pursuant*
25 *to Section 6 of Article XIII B of the California Constitution because*
26 *the only costs that may be incurred by a local agency or school*
27 *district will be incurred because this act creates a new crime or*
28 *infraction, eliminates a crime or infraction, or changes the penalty*
29 *for a crime or infraction, within the meaning of Section 17556 of*
30 *the Government Code, or changes the definition of a crime within*
31 *the meaning of Section 6 of Article XIII B of the California*
32 *Constitution.*

33 *SEC. 77. This act is a bill providing for appropriations related*
34 *to the Budget Bill within the meaning of subdivision (e) of Section*
35 *12 of Article IV of the California Constitution, has been identified*
36 *as related to the budget in the Budget Bill, and shall take effect*
37 *immediately.*

1 ~~SECTION 1. It is the intent of the Legislature to enact statutory~~
2 ~~changes relating to the Budget Act of 2011.~~

O